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YOUTH DEVELOPMENT COMMUNITY BLOCK GRANT ACT

OCTOBER 19 (legislative day, OCTOBER 18), 1995.—Ordered to be printed

Mrs. KASSEBAUM, from the Committee on Labor and Human
Resources, submitted the following

REPORT

together with

ADDITIONAL AND MINORITY VIEWS

[To accompany S. 673]

The Committee on Labor and Human Resources, to which was referred the bill (S. 673) to consolidate Federal youth prevention and youth development programs and create a new process and structure for providing Federal assistance for these programs, and for other purposes, having considered the same, reports favorably thereon with an amendment in the nature of a substitute and recommends that the bill as amended do pass.

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I. SUMMARY OF THE BILL

A. PURPOSE

The Youth Development Community Block Grant Act of 1995 establishes a single, comprehensive strategy for community-based youth development and prevention programs. This legislation supports locally defined and implemented initiatives for youth aged 6 to 18 years of age. The goal of youth development programs is helping children acquire the life skills which they need to make a successful transition from childhood to productive adulthood. To achieve that goal, youth development programs incorporate nonacademic activities that employ active, hands on learning methods designed to build social, moral, emotional, physical, and cognitive competencies.

The legislation restructures Federal funding of youth development and prevention programs by consolidating existing narrowly defined categorical programs and redistributing the funds to local communities through a formula allocation. The legislation creates a youth development system that: (1) is community-based and flexible; (2) is accountable to the community as well as the Federal Government; (3) invests Federal funds in prevention rather than crisis intervention; and (4) transforms existing categorical programs into a cohesive, coordinated network of activities.

B. AUTHORIZATION

The Youth Development Community Block Grant Act consolidates eighteen discretionary and one formula-based Federal youth development and prevention programs into a single formula-based funding structure. Together, these programs received fiscal year 1995 appropriations in the amount of \$701.8 million. Total fiscal year 1996 authorizations for the programs equal \$1.082 billion.

The discrepancy between the fiscal year 1995 appropriations figures and the fiscal year 1996 authorization levels are accounted for by the seven programs authorized as part of the Violent Crime Control and Law Enforcement Act of 1994. Several of these programs, funded out of or as a percentage of the Violent Crime Reduction Trust Fund, only received "start-up" or partial-year funding for the 1995 fiscal year. Other programs are not scheduled to receive funding under the Violent Crime Control and Law Enforcement Act until the 1996 fiscal year.

The Youth Development Community Block Grant Act is authorized in the amount of \$900 million for fiscal year 1996 and such sums as necessary through the year 2000, including the amount authorized to be appropriated for each fiscal year under title III of the Violent Crime Control and Law Enforcement Act of 1994 to carry out subtitle A, B, D, J, and O of that title.

C. ALLOTMENT OF FUNDS

Ninety-five percent of the funds appropriated for the Youth Development Community Block Grant (YDCBG) are allocated to States and local community boards. Of the remaining funds, 1.5 percent are set aside for Native American organizations, and .5 percent for grants to outlying areas. Three percent of the funds ap-

appropriated for the YDCBG are to be used by the Administration of Children and Families of the Department of Health and Human Service for the administration of the act, including the provision of training and technical assistance, Federal coordination, program monitoring and evaluation, in addition to the funding of research-based demonstration programs.

Funds are distributed to States based on a formula which places equal weight to three criteria: 1) the total number of youth; 2) the number of youth from low-income families; and 3) the average incidence of juvenile crime during the most recent four-year period. There is a minimum State allocation of .5 percent.

States may use up to 4 percent of the State allocation to administer the program. State administrative costs may include training and technical assistance to local community boards, program monitoring and evaluation, and other activities designed to improve the delivery of youth development services within the State. An additional 3.5 percent of the State allocation may be used by the State to fund local youth development programs in response to emergency situations or to serve areas with high concentrations of low-income families.

States must allocate at least 92.5 percent of the State allocation to local community boards based on the same formula used by the Federal Government to determine the State allocation. For any year in which less than \$500 million is appropriated for the YDCBG, Federal funds are distributed to the States based on the formula allocation, but States will distribute the funds on a discretionary, competitive basis to local community boards.

D. STATE REQUIREMENTS

States must submit an application to the Administration of Children and Families to be eligible to receive a State allotment of funds appropriated for the Youth Development Community Block Grant Act. The application must include assurances that the State will administer the funds in accordance with the act. After the first year of funding, the State application also must include a report on the activities within the State funded by the act and the results of an independent audit.

E. LOCAL REQUIREMENTS

Local communities submit an application to the State in order to receive the local allocation of YDCBG funds. Upon receipt of a letter of intent, the State will provide 5 percent of the local allocation to be used for a 6-month local planning process.

Local communities designate an existing entity or create a new entity to serve as the community board for the administration of the Youth Development Community Block Grant. The designation or membership of the community board is determined jointly by the chief executive officer of the county, the representative of the youth development providers in the county, and the representative of the local educational community, referred to as the "appointing authority."

Two additional persons may serve on the appointing authority. If any city or town within the county has a population equal to or in excess of 30 percent of the county's population, the chief execu-

tive officer of that city or town will be a member of the appointing authority. Second, if none of the other members of the appointing authority have demonstrated experience in providing substance abuse prevention services, a representative of the substance abuse prevention providers and agencies in the community will be a member of the appointing authority.

The community board is responsible for the programmatic and fiscal administration of the YDCBG funds allocated to the local community by the State. Administration includes the assessment of local needs and resources, the identification of community priorities, the development of a community strategic plan for youth development, the provision of funds for programs, and the implementation of program monitoring mechanisms. Programs and activities supported with YDCBG funds must be youth development programs consistent with the priorities and the strategic plan developed as part of the State application process. The community board must have a minimum of 5 and a maximum of 11 members, including individuals with experience in providing youth development and substance abuse prevention services. The community board should represent a broad-based partnership of the diverse segments of the community which interact with youth.

The legislation contains alternative provisions for the local administration of the funds for States which do not have traditional county government structures and counties with populations of 25,000 or less.

F. NATIVE AMERICAN ORGANIZATIONS AND OUTLYING AREAS

Native American organizations include tribal organizations, native Hawaiian organizations, and private nonprofit organizations established to serve Indians or native Hawaiians. Outlying areas include the U.S. Virgin Islands, Guam, American Samoa, the Commonwealth of Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau. These areas and organizations apply directly to the Assistant Secretary for the Administration of Children and Families for funds from the amounts allocated for that purpose. Specific provisions are included to incorporate the local planning and implementation process, including the local programmatic and fiscal administration of funds and the distribution of funds to local grantees. Funds are to be used to support youth development programs and activities consistent with the community priorities and strategic plan.

G. YOUTH DEVELOPMENT PROGRAMS AND ACTIVITIES

The Youth Development Community Block Grant Act does not prescribe specific activities or program types for which the funds will be used. Instead, the legislation identifies general goals and outcomes to be achieved. Goals include supporting the role of families in positive youth development, promoting increased community coordination and collaboration, developing or expanding community-based youth development programs in response to local needs, and promoting community partnerships for youth. Measurable outcomes include changes in the basic competencies of individual participants in programs and activities funded by the act, reducing

high-risk behaviors, increasing protective factors, and reducing risk factors. Funding is limited to youth development programs, which are broadly defined as nonacademic activities designed to help youth develop social, moral, emotional, physical, and cognitive competencies using active, experiential learning methods.

There are no restrictions on the type of agencies, organizations, or entities eligible to receive grants from the Federal, State, or community board. Eligible entities can include, but are not limited to, private nonprofit organizations, schools and educational agencies, government agencies, private for profit businesses, or individuals. There are specific provisions to clarify that religious entities can receive funds from the YDCBG without altering the religious character of nature of the entity.

H. CONTRIBUTION OF LOCAL FUNDS

The Youth Development Community Block Grant Act requires that the funds be used to supplement, not supplant existing funds used for youth development programs and activities. In addition, the Federal share of the cost of carrying out youth development programs is 80 percent for the first year, 70 percent for the second year, 60 percent for the third year, and 50 percent for the fourth and any subsequent year. Other Federal funds cannot be used to provide the local match although up to half of the local match can be met through in-kind payment, including facilities, equipment, and services.

I. PROGRAM ACCOUNTABILITY AND ENFORCEMENT MECHANISMS

The legislation includes local, State, and Federal accountability and enforcement mechanisms. On the local level, the community board is responsible for monitoring the use of funds by grantees. The board has the authority to terminate the funding for a grant if the program fails to comply with the requirements of this act. In addition, grant renewals must give considerable weight to the effectiveness of the activities previously conducted with grant funds.

The State has the responsibility and authority to monitor and oversee the activities conducted by the community board, including approval of the community strategic plan. If the State determines a community application is not in compliance with the act, the State can withhold the local allocation of funds until the application is determined to be in compliance. The State also may require remedial measures to ensure compliance by community boards and grantees within the State, including the termination of funding.

The Assistant Secretary of the Administration of the Children and Families is responsible for establishing a system for monitoring and evaluating the effectiveness of initiatives supported by the Youth Development Community Block Grant. If the Assistant Secretary determines that a State, community board or grantee is failing to comply with the requirements of the act, remedial measures are authorized by the legislation including the termination of funding.

J. PROGRAMS CONSOLIDATED

Ounce of Prevention Council

This Federal crime prevention coordinating council is authorized for \$90 million over 6 years as part, of the Violent Crime Prevention and Law Enforcement Act of 1994. The fiscal year 1995 appropriations for the program totaled \$1.5 million, to begin the work of the council. In addition to the Federal coordination activities, the council is authorized to distribute discretionary grants for youth prevention and development programs and to provide training and technical assistance to communities and community organizations.

Local Crime Prevention Block Grant Program

The Federal block grant program for general crime prevention activities is authorized by the Violent Crime Prevention and Law Enforcement Act of 1994 for \$377 million for 5 years beginning in fiscal year 1996.

Family and Community Endeavor Schools Grant Program

Authorized as part of the Violent Crime Prevention and Law Enforcement Act of 1994, this competitive grant program is designed to improve the overall development of at-risk children in communities with significant poverty and violent crime. In the 1995 fiscal year this program received \$11.1 million.

Community schools youth services and supervision

This competitive grant program provides funds for extra-curricular and academic activities for at-risk youth during non-school hours. Authorized as part of the Violent Crime Prevention and Law Enforcement Act of 1994, the program received \$236 million in fiscal year 1995 appropriations.

Assistance for delinquent and at-risk youth

The Federal discretionary grant program for services to help delinquent and at-risk youth is authorized by the Violent Crime Prevention and Law Enforcement Act of 1994 for \$36 million for 5 years beginning in fiscal year 1996.

Local Partnership Act

This Federal competitive grant program to assist community crime prevention efforts is authorized by the Violent Crime Prevention and Law Enforcement Act of 1994 for \$1.62 billion for 5 years beginning in fiscal year 1996.

Urban recreation and at-risk youth

Authorized by the Violent Crime Prevention and Law Enforcement Act of 1994, this discretionary grant program provides funds for parks and recreation agencies and organizations to improve and expand nonacademic youth development activities in urban areas and for at-risk youth. The program is authorized for \$4.5 million over 5 years starting in the 1996 fiscal year.

Gang resistance education and training

Administered by the Department of the Treasury, this discretionary grant program provides funds, on a competitive basis, to communities and police agencies for establishing gang resistance education and training programs to youth living in communities with a high incidence of gang-related activities. The program is authorized for \$45 million over 6 years by the Violent Crime Prevention and Law Enforcement Act of 1994 and received fiscal year 1995 appropriations totaling \$9 million.

Drug education and prevention for runaway and homeless youth

The purpose of this discretionary grant program is to expand and improve drug abuse prevention services to runaway and homeless youth and their families. Competitive grants fund research, demonstration, and service programs. A 25 percent nonfederal match of cash or in-kind contribution is required. Fiscal year 1995 appropriations totaled \$14.5 million.

National Youth Sports Program

Authorized for \$15 million for fiscal years 1995 through 1998, this discretionary grant program provides low-income youth with a summer of National Collegiate Athletic Association (NCAA) supervised sports instruction and enrichment activities on participating college and university campuses. The program's fiscal year 1995 appropriation is \$12 million. Grantees are required to provide a cash match.

Demonstration Partnership Program

This discretionary grant program focuses on developing new approaches that provide for greater self-sufficiency for low-income individuals, with a particular emphasis on urban youth aged 14 to 25. Grantee must provide matching funds. Authorized for \$30 million for fiscal year 1995 and "such sums" for 1996 through 1998, the fiscal year 1995 appropriations for the Demonstration Partnership Program is \$8 million.

Demonstration grants for the prevention of alcohol and other drug abuse among high risk youth

This program funds community-based demonstration projects that attempt to prevent, delay, or reduce the use of alcohol, tobacco, and other substance abuse among high risk youth. In fiscal year 1995 this discretionary grant program received \$65.2 million in federally appropriated funds.

Youth initiative/youth gangs (youth gang substance abuse)

Authorized for \$10.5 million in fiscal year 1995 and "such sums" for years 1996 through 1998, this discretionary grant program received \$10.5 million in fiscal year 1995 appropriations. The program is to prevent and reduce the participation of youth in gangs that engage in illicit drug-related activities. A 25 percent match is required.

School dropout demonstration assistance

This discretionary grant program provides funds to school districts and community-based organizations for the development of dropout prevention and school reentry demonstration projects. The program requires a 10 percent grantee match the first year and a 25 percent match for the following years. Authorized for "such sums" through 1999, fiscal year 1995 appropriations totaled \$28 million.

Safe and drug-free schools and communities: National programs

Funds for this program are used to carry out various activities authorized by the Safe and Drug-Free Schools and Communities Act, including grants to institutions of higher education for drug and violence prevention programs. This discretionary grant program received \$25 million in fiscal year 1995 appropriations and is authorized for "such sums" through 1999.

Safe and drug-free schools and communities: State grants

Funds for this program are allocated to States based on a Federal formula and are used to prevent violence and illegal use of alcohol and drugs in and around schools through education and training programs. The program is authorized for "such sums" through 1999 and received fiscal year 1995 appropriations in the amount of \$457 million.

Juvenile gangs and drug abuse and drug trafficking (Part D, JJDP)

Created under the Juvenile Justice and Delinquency Prevention Act (JJDP), program funds are used for activities to reduce and prevent the participation of juveniles in the activities of gangs that commit crimes. Fiscal year 1995 appropriations are \$10 million.

Juvenile justice and delinquency prevention: Juvenile mentoring (Part G, JJDP)

The \$4 million appropriated for this program in fiscal year 1995 are used to establish mentoring programs for at-risk youth in order to reduce juvenile delinquency and gang participation, improve academic performance, and reduce the dropout rate.

Title V: Delinquency prevention (JJDP)

The purpose of this program is to increase the capacity of State and local governments to support the development of more effective education, training, research, prevention, diversion, treatment, and rehabilitation programs in the area of juvenile delinquency and programs to improve the juvenile justice system. Grantees are required to provide a 50 percent match for grant funds. Fiscal year 1995 appropriations for this discretionary grant program are \$20 million.

II. BACKGROUND AND NEED FOR THE LEGISLATION

Youth have a great deal of discretionary time. The Carnegie Council on Adolescent Development reports that only 58 percent of adolescents' waking hours are spent on school, homework, eating,

household chores, or paid employment. Much of the remaining 42 percent, maintains the Carnegie Council, is unstructured, unsupervised, and unproductive time for adolescents. Young people reportedly spend about half of that 42 percent of free time watching television. Many young people spend this time at home alone.¹

This discretionary time offers opportunities for young people to engage in a variety of activities, such as music, dance, arts, crafts, nature exploration, reading, museum visits, sports and recreation, or community service projects. It also offers potential for young people to slip into risk behaviors, particularly since adolescents today are especially susceptible to negative peer influences. Recent research indicates that peer attitudes toward tobacco, alcohol, and drug use are dramatically more permissive than parental attitudes.²

YOUTH FACE MULTIPLE RISKS AND PROBLEMS

There is a growing body of research that says many of the diverse problems of young people are generally attributable to common roots. Moreover, youth exhibiting one behavior, such as substance abuse, sexual activity, delinquency, and school dropout, are likely to be engaging in other risky activities.³ These findings, while discouraging for the youth who are at risk, are promising for those who work with young people because they suggest that if the common roots of these problems are addressed, then many of these risky behaviors may be curbed.

The task is nevertheless daunting since about half of all young people are estimated to be at risk of engaging in a problem behavior such as substance abuse, premarital sexual activity, delinquency, and dropping out of school. Joy Dryfoos calculated that about one-fourth of all young people are "moderate risk youth," which she defines as experimenters who may commit minor delinquent offenses, have sexual intercourse, use substances occasionally, but not hard drugs, and may be behind in school. Another 15 percent, according to Dryfoos, are "high risk youth" who commit somewhat serious delinquent offenses, are heavy users of alcohol, cigarettes and marijuana, engage in unprotected sexual intercourse, and are behind in school. Dryfoos estimates that an additional 10 percent of young people are "very high risk" because they have multiple problem behaviors, e.g., commit serious offenses, are heavy users of alcohol, cigarettes and drugs, are sexually active, and have dropped out of school or are behind their grade in school.⁴

Risk behavior reported by high school students reveals patterns that also suggest the proportion of young people vulnerable to trouble is noteworthy. Researchers at the Centers for Disease Control,

¹"A Matter of Time: Risk and Opportunity in the Nonschool Hours." Report of the Task Force on Youth Development and Community Programs. Carnegie Corporation of New York, Carnegie Council on Adolescent Development, (New York) 1992. p. 24-39. (Hereafter cited as "Matter of Time.")

²Zill, Nicholas, and Christine Winquist Nord. "Running in Place: How American Families are Faring in a Changing Economy and an Individualist Society." Child Trends, Inc. (Washington) 1994. p. 29-41.

³Resnick, Gary, Martha R. Burt, Lisa Newmark, and Lorraine Reilly. Youth at Risk: Definitions, Prevalence, and Approaches to Service Delivery. Urban Institute. (Washington) 1992. p. 56-59.

⁴Dryfoos, Joy G. "Adolescents at Risk: Prevalence and Prevention." Oxford University Press (New York) 1990. p. 107. (Hereafter cited as "Adolescents at Risk")

U.S. Department of Health and Human Services, have conducted the school-based Youth Risk Behavior Survey for several years, with the most recent data collected in 1993. The survey finds that 53.0 percent of high school students have had sexual intercourse, 80.9 percent have had at least one drink of alcohol, 32.8 percent have smoked marijuana, 4.9 percent have used cocaine, and 22.1 percent of high school students carry a weapon. Given that this survey only includes students—and not dropouts—the picture for all adolescents may be even bleaker than other research indicates.

Reviews of programs serving young people do offer some optimism. Evaluations suggest that positive supportive services as well as intervention strategies that work for one problem also work for other problems. Early intervention in the lives of young people, community-wide approaches that are comprehensive in scope, and multiple program objectives (e.g., prevent adolescent pregnancy, curb substance abuse, and reduce school dropout) are commonly cited features of successful programs.

FEDERAL PROGRAMS ARE FRAGMENTED AND TARGETED

Although knowledge about these features of successful programs exists, there are barriers to implementing such programs. To quote Joy Dryfoos, "Success is elusive because the programs as interventions are too fragmented and weak to have enough impact."⁵ There are a myriad of Federal programs that serve youth, but they usually have competing mandates, conflicting eligibility requirements, and different funding cycles, program definitions, and reporting requirements.

Current Federal funding streams, moreover, favor specialized services for youth who are already at risk or in trouble. In times of tight budgets, prioritizing services to those who are "very high risk" may seem logical, but many who work with young people maintain that crisis intervention with a youth already in trouble is costlier than youth development and prevention programs for potentially at-risk youth.

More often than not, Federal programs are driven—not by local needs and decisions—but by the national agenda. A social problem rips through one part of the country and galvanizes a nationwide response that may not be appropriate in other parts of the country. These other parts of the country may have critical, but less sensational problems that, nevertheless, warrant Federal assistance.

YOUTH DEVELOPMENT IS A COMPREHENSIVE STRATEGY

Youth development programs emphasize the positive elements of growing up and engaging young people in fun, yet constructive, alternatives to the negative pressures. This approach gives young people opportunities to socialize with peers, to acquire skills and cultivate talents, to contribute to the community, to belong to a valued group, and to feel competent about themselves. Youth development programs are comprehensive in that they foster all aspects of a young person's development—cognitive, physical, social, moral, and emotional.

⁵ *Ibid.*, p. 3.

In adopting the youth development program design, the Youth Development Community Block Grant (YDCBG) focuses on prevention rather than crisis intervention. Although many of the programs repealed and replaced by YDCBG are popular programs serving youth, they target the negative elements of young people's lives and often are narrowly drawn. YDCBG offers a cohesive strategy to foster the healthy, well-rounded development of America's youth.

YOUTH DEVELOPMENT IS A COMMUNITY-BASED APPROACH

There are about 17,000 youth development organizations that operate around the country.⁶ Although some are well-known national organizations with many decades of experience (such as the Girl Scouts of the U.S.A., local parks and recreation departments, the YMCA, 4-H, and the Boys and Girls Clubs of America), many are local, grassroots entities. Even those that are local affiliates of national organizations are usually community-based in their operations.

The work of youth development organizations needs to be more closely linked with other resources in the community who are involved with children, youth and their families. Schools, public agencies, juvenile courts, and other groups in the community need to be a part of any comprehensive youth development strategy.

YDCBG enables communities to tailor their youth development programs to fit local needs and concerns. The local boards build a private-public partnership and involve community leaders in guiding the futures of young people. The communities are encouraged to engage in a planning process that draws on other resources in the community and integrates services for youth into a coordinated array of services and programs.

Under YDCBG, 95 percent of the funds go directly to the communities according to a formula based upon the population distribution of youth, juvenile crime, and poverty. The States serve primarily as a funding pass-through and compliance monitoring mechanism. This approach simplifies and streamlines the administrative process. The YDCBG also ensures accountability by establishing a process of goal setting at the community level. The communities retain broad flexibility over determining their priorities and initiatives and are held responsible for meeting these objectives.

III. LEGISLATIVE HISTORY AND COMMITTEE ACTION

On April 4, 1995, the Youth Development Community Block Grant Act was introduced by Senators Kassebaum, Inouye, Domenici, and Stevens. The legislation was referred to the Committee on Labor and Human Resources.

On June 8, 1995, the Committee on Labor and Human Resources held a hearing on the Youth Development Community Block Grant Act. The committee received testimony from eight individuals representing a broad array of agencies and groups involved with young people.

Mr. Phillip Coltoff, Executive Director of the Children's Aid Society located in New York City, discussed the relative costs of provid-

⁶ "Matter of Time," p. 50.

ing youth development services—\$400 to \$600 per year per youth, as compared to the costs of placing a child in foster care, on probation, in a group home, or in a correctional facility. He stated that “Independent studies tell us that these programs are working * * * youth in Boys and Girls Clubs or CampFire, or 4-H programs are happier, more likely to finish schools, less likely to be involved in juvenile delinquency.”

Three witnesses represented national youth development organizations: Big Brothers/Big Sisters, Boys and Girls Clubs of America, and CampFire Boys and Girls. Testifying in support of the legislation, each of these witnesses discussed the impact of these organizations in their home communities and in their own lives. Mr. Michael Green, representing CampFire Boys and Girls, pointed out that we cannot expect business to shoulder all the responsibility for “uneducated, unmanageable, hostile, personally insecure, drug addicted employees”—they are a product of their youth and childhood experiences. He also stressed the need for long-term strategies for youth which show progress over the long haul, as opposed to “quick fix” solutions which fade just as quickly as they appear.

Randy Johnson, third vice president of the National Association of Counties, testified on behalf of a coalition of associations including the American Association of School Administrators, the International City/County Management Association, the National Association of Counties, the National League of Cities, the National School Boards Association, the National Association of Towns and Townships, and the U.S. Conference of Mayors. This coalition offered several suggestions to improve the legislation, including a change in the juvenile crime portion of the funding formula, the addition of a representative from the local school system as a member of the “appointing authority,” strengthening local fiscal and programmatic accountability in the legislation, and targeting the funds to low-income and at-risk youth.

Mr. William Wetzel, president of the YMCA in Chattanooga, TN, described several of the programs and activities by that organization. In stating his support for S. 673, Mr. Wetzel identified the flexibility and autonomy to design and implement programs for the community as an outstanding feature of the legislation.

Mr. John A. Johnson, director of the New York State Division for Youth, described how New York has operated a youth development system similar to that embodied in S. 673. In his testimony, Mr. Johnson pointed out that “multiple Federal funding streams have created an image of a rich mix of service availability—an image which is not evident to the youth or families in many communities which do not receive the discretionary grants or have few service providers. More equitable distribution of funds combined with local self-determination generates community ownership of the process and greater support for youth programs in general.” Mr. Johnson offered recommendations for improving the legislation related to the size of the community board, the juvenile crime portion of the funding formula, and the lack of a national set of standards for youth development programs.

Ms. Beverly Watts Davis, Executive Director of the San Antonio Fighting Back program in Texas, discussed the activities undertaken in that program and the success it has had with youth in the

San Antonio area. She expressed several concerns about S. 673: the ceiling on the membership of the community board, the lack of school involvement in the program, the lack of focus on substance abuse and violence prevention, the granting of too much power to one nonelected official, and the lack of a specific mention of "curriculum development" as a valuable tool in youth development.

On July 19 and 20, 1995, the Committee on Labor and Human Resources met in executive session to consider S. 673. Chairman Kassebaum offered an amendment in the nature of a substitute for S. 673, the Youth Development Community Block Grant Act of 1995. On July 20, 1995, the chairman's substitute was adopted by a rollcall vote of 9 yeas and 7 nays.

YEAS	NAYS
Kassebaum	Kennedy
Jeffords	Pell
Coats	Dodd
Gregg	Simon
Frist	Harkin
DeWine	Mikulski
Ashcroft	Wellstone
Abraham	
Gorton	

During consideration of the measure, roll call votes were taken on two amendments. Both of these amendments failed. An amendment by Senator Kennedy to target funds to low-income youth failed by voice vote. Four amendments offered by Senator DeWine were accepted without objection. The first amendment offered by Senator DeWine added a representative with demonstrated expertise in youth substance abuse prevention to the membership of the community board. The second amendment added a representative of substance abuse prevention agencies and substance abuse prevention providers to the local appointing authority. The third amendment added substance abuse prevention agencies and substance abuse providers to the list of organizations from which a State and the Assistant Secretary for the Administration of Children and Families receive input and advice. Senator DeWine's fourth amendment required an assessment of substance abuse in the county as part of the community strategic plan.

1. Senator Dodd offered an amendment to strike the repeal of the Safe and Drug-Free Schools program from the Youth Development Community Block Grant Act. The amendment failed by a roll call vote of 8 yeas and 8 nays.

YEAS	NAYS
Kennedy	Kassebaum
Pell	Jeffords
Dodd	Coats
Simon	Gregg
Harkin	Frist
Mikulski	Ashcroft
Wellstone	Abraham
DeWine	Gorton

2. Senator Wellstone offered an amendment to strike the repeal of the Local Crime Prevention Block Grant from the Youth Development Community Block Grant Act. The amendment failed by a rollcall vote of 7 yeas and 9 nays.

YEAS	NAYS
Kennedy	Kassebaum
Pell	Jeffords
Dodd	Coats
Simon	Gregg
Harkin	Frist
Mikulski	DeWine
Wellstone	Ashcroft
	Abraham
	Gorton

IV. COMMITTEE VIEWS

FINDINGS

The committee believes there is a need for Federal support for youth development and prevention activities in communities throughout the country. Today's young people are facing a higher level of risks at an earlier age than previous generations. High risk behaviors such as substance abuse, educational failure, teen pregnancy, violence, and delinquency have enormous consequences for these youth, their parents, local communities, and the nation. At the same time, communities and families are struggling to maintain a supportive environment in which these children can live and grow into maturity. It will require a strong partnership between all segments of our society to reduce the risks to which our children and youth are exposed, and to increase the local support systems to help our young people make a safe transition from childhood to adulthood.

Youth development programs have traditionally served as a community support mechanism to help parents, youth, and the community to address the needs of our young people. Youth development programs supplement the academic work of schools and support the efforts of families to promote the healthy development of children and youth. The committee believes current Federal efforts in the area of youth prevention are too narrowly focused to be effective. By and large, Federal youth prevention programs are remedial in nature, rather than directed toward primary prevention. It is critical that the Federal Government restructure its approach to youth prevention in order to facilitate the creation of a comprehensive, developmental approach designed to help local communities respond to the needs of children, youth, and families.

PURPOSE

The legislation consolidates the primary Federal programs for youth development and youth prevention into a single block grant to be used at the county level or other similar geographic areas. The purpose of the Youth Development Community Block Grant Act of 1995 is to enable local communities to develop a coordinated, cohesive strategy to provide youth development and prevention ac-

tivities for youth aged 6 to 18. The legislation is specifically designed to:

- A. Provide local flexibility in the identification of needs and allocation of resources to address those needs.
- B. Provide funds for youth development services which focus on the prevention of risky behaviors and foster positive development of children and youth.
- C. Support families in meeting the developmental needs of their children and youth.
- D. Promote increased community coordination and collaboration of existing resources to help youth and their families.
- E. Support the development and expansion of community-based youth development programs to respond to the needs of local youth and families.
- F. Promote community partnerships that link youth development activities with the broad array of entities serving children, youth, and families in the community.
- G. Provide for an equitable distribution of funds for youth prevention services.
- H. Provide clear accountability for Federal dollars.

DEFINITIONS

The committee believes that a common agreement on several programmatic definitions is critical to the successful implementation of this legislation. The definitions of outcome objective and process objective clearly identify specific measures which need to be addressed by grantees that receive funds from this act. To provide a maximum level of local flexibility regarding the use of funds, the legislation is framed around a series of competencies (life skills) which have been identified as critical to the healthy development of young people. The committee wants local communities to determine the best means for reaching these desired outcomes, rather than adhere to specific program models defined by the Federal Government. The committee believes that communities are in the best position to determine what programs and activities will be most effective in responding to the needs of local youth and families.

The legislation provides an alternative structure for specific States that do not have functioning county governments or similar geopolitical subdivisions. It is the intent of the committee that in these States, the administrative entity for the State work closely with representatives of municipal governments within the State to distribute the funds in a fair and equitable manner. In these States, the close collaboration between State government and local authorities will be critical to the success of the block grant. The legislation provides sufficient flexibility to accommodate a variety of adaptations for States which do not have a county government structure.

GENERAL DISTRIBUTION OF FUNDS

This legislation authorizes \$900 million for block grants in the first year and includes funds reallocated from the Violent Crime Reduction Trust Fund (as would have been appropriated for the Violent Crime Prevention and Law Enforcement Act programs

being consolidated under this legislation). For the second and subsequent years and the legislation is authorized for such sums as the appropriations committees may appropriate in 1997 through 2000 combined with youth prevention funds from the Violent Crime Prevention and Law Enforcement Act. This two-part funding structure maintains the division between Federal discretionary funds and those available for youth prevention activities from the Violent Crime Reduction Trust Fund.

The first-year authorization level represents a 10 percent reduction in the sum of the fiscal year 1995 appropriations for existing Federal youth development and youth prevention programs and the fiscal year 1996 projected appropriations for those programs consolidated from the Violent Crime Prevention and Law Enforcement Act of 1994. The committee believes that appropriations in the last 4 years of the legislation should be based on the demonstrated need for local youth development services and the success of the program in meeting those needs. The committee anticipates that the funding structure in the legislation will result in less Federal and State administrative costs and result in additional funds being made available for direct services to children and youth.

DISTRIBUTION OF STATE ALLOTMENTS

Ninety-five percent of the appropriated funds will be distributed to States and local community boards. Of the remaining funds, 1.5 percent are reserved for grants to Native American organizations, .5 percent for grants to outlying areas, and 3 percent for activities conducted by the Department of Health and Human Services to administer and support the legislation.

Funds are made available to States based on three criteria, equally weighted: the number of youth in the State, the number of youth from low-income families, and the average incidence of juvenile crime during the most recent 4-year period. The committee believes that this allocation formula provides a fair and equitable distribution of funds among all local communities, while directing additional funds to areas with high levels of poverty and a high incidence of juvenile crime.

The committee understands the current state of juvenile justice information and the anticipated enhancement of that data through improvements in the National Crime Information Center data collection system. The legislation authorizes the Secretary of the Department of Health and Human Services to prescribe a formula which will equitably account for current gaps in juvenile crime information and which can be upgraded as improvements in the National Crime Information Center data system are implemented. The committee expects the Secretary of the Department of Health and Human Services to consult with the Attorney General and the Administrator of the Office of Juvenile Justice and Delinquency Prevention in the development of the juvenile crime formula authorized in this legislation.

In order to be eligible to receive a Federal allocation of funds under this legislation, States must submit an application devised by the Secretary of the Department of Health and Human Services. It is the intention of the committee that the Secretary should exercise considerable restraint in the development of this application

and limit application requirements to those essential for the administration of the program. Applications for funds in the second and subsequent years should include information designed to identify measurable progress toward the goals of the legislation.

No State applying for funding under this legislation will receive less than one-half of 1 percent of the total funds available for distribution to States.

DISTRIBUTION OF LOCAL ALLOCATIONS

Funds allocated to the States are to be distributed to local community boards, based on the same allocation formula that was used to determine the allocation of Federal funds to the States.

States are permitted to reserve up to 4 percent of the total State allotment to carry out activities required to administer the program, the provision of training and technical assistance to local communities designed to enhance the provision of youth development services, and for program evaluation. In addition, a portion of the funds may be used by the State to fund youth development activities in local communities as a response to emergency situations or as additional funds for areas with high concentrations of low-income families.

There are two methods for distributing funds to local communities. Any year in which total Federal appropriations are under \$500 million the States will distribute the funds through a competitive discretionary grant program established by the State. The State will ensure an equitable geographical distribution of the funds and provide funds for a variety of program models. Years in which total Federal funding exceed \$500 million are distributed by the States based on the same formula used to determine the Federal allocation to the States.

In the first year that a local community receives an allocation under this legislation, the State will provide up to 5 percent of the local allocation for use in the local planning process. This initial local planning process cannot exceed 6 months. The committee believes that the development and implementation of a community youth development strategy is a continual process that should be built into the ongoing administration of the funds. In order to apply for the initial planning funds, local communities must submit a letter of intent to the State agency responsible for administering these funds. The letter of intent needs to include a list of the members of the community board which will be administering the funds on the local level.

After the initial planning period, and in subsequent years, the State will distribute at least 96 percent of the State allocation to community boards throughout the State. To receive an allotment, the community board must submit an application to the State. The committee intends that the State will utilize restraint in the development of this application process and limit the bureaucratic barriers to those necessary to ensure local compliance with the legislation. These funds will be used by the community board to provide youth development programs and services for children, youth, and their families within the community. The community board will distribute these funds to programs and activities which address the needs, priorities, objectives, and goals established by the commu-

nity board through a strategic planning process. These activities and programs must meet the definition of youth development contained in the legislation. The committee believes that local strategies should build on existing community resources and focus on an integrated approach which links a broad variety of human services, both public and private.

The legislation contains a prohibition on the use of funds for youth employment programs providing subsidized employment opportunities, job training activities, or school-to-work transition activities. This legislation was created in conjunction with the "Workforce Development Act" which specifically provides funds for these types of employment and pre-employment activities. It is the committee's intent that funds from the "Youth Development Community Block Grant" be used specifically for youth development activities. For many youth, employment-related activities may be the most desirable type of youth development program. The committee believes that funds from this legislation can provide necessary support and supplemental services to enhance a youth employment program funded under the "Workforce Development Act" and encourage local communities to give serious consideration to developing a comprehensive youth employment program utilizing funds from both legislative initiatives.

DISTRIBUTION TO OTHER ENTITIES

The Assistant Secretary for the Administration of Children and Youth in the Department of Health and Human Services is responsible for the distribution of funds to Native American organizations and outlying areas. The distribution of these funds will be subject to the same requirements regarding the use of funds for youth development programs and activities, the need for a local administering entity and strategic planning process, as well as compliance with other requirements contained in this legislation.

DISTRIBUTION TO GRANT RECIPIENTS

Community boards will develop and disseminate a request or proposal to solicit applications to provide youth development programs and activities consistent to those identified in the local youth development strategic plan. The community board may provide grants and contracts to any entity or organization submitting an application which meets the requirements designated by the community board, consistent with this legislation. It is the committee's intent that a broad range of service provider—traditional, nontraditional, public and private entities—have the opportunity to compete for these funds. In the second and subsequent years in which funds are awarded, the community board must give serious consideration to the extent to which a previous grantee or program was successful in meeting the community goals and objectives.

A recent report by the Carnegie Council on Adolescent Development, "Great Transitions: Preparing Adolescents for a New Century", supports the need for a generic approach to youth prevention and youth development, "* * * rather than categorical or targeted approaches that focus on single problems, often after they have already occurred." The report cites their need to foster consistent, continual positive relationships between adolescents and respon-

sible adults, such as those provided in adult mentoring activities. The committee supports the focus of the Carnegie report and encourages the incorporation of positive adult interaction into youth development activities funded under this act.

The committee believes that religious organizations can and do provide valuable services and conduct successful programs for youth in the community. It is the intent of the committee that religious organizations, including churches, be eligible to compete for funds made available under this legislation on the same basis as any other entity or organization. While the funds cannot be used for religious teachings or strictly religious activities (under the Establishment Clause of the Constitution), religious organizations receiving funds under this legislation are not required, by this act, to remove religious icons or, in any other way, alter their physical facilities or operation in such a way as to diminish the religious character of the organization.

The community board may award grants for up to 3 years. Renewals of these grants should be dependent upon the grantee's ability to successfully address the goals, objectives, and outcomes identified in the community strategic plan. There is no restriction on the number of times a grant can be renewed by a community board. The community board also is responsible for discontinuing funding for programs that fail to meet local goals, objectives, and outcomes, as well as those who are not in compliance with the requirements of this legislation.

Federal funds appropriated under this legislation must be matched by nonfederal funds. In the first year, Federal funds cannot exceed 80 percent of the total funds used for youth development programs and activities funded under this legislation. The amount of nonfederal matching funds increases each year beginning at 20 percent in the first year, 30 percent in the second year, 40 percent in the third year and 50 percent in any subsequent year. The committee believes that the requirement of nonfederal funds matching funds for youth development represents a commitment of the local community to the youth development partnership. Fifty percent of the nonfederal matching funds can be in the form of fairly evaluated in-kind goods and services. The committee believes that the local match can be achieved in a variety of ways. The community itself can contribute the entire match through local government spending on youth development programs, as long as the programs meet the definition of youth development contained in the legislation. Individual grantees may be called upon to contribute matching funds relative to the amount of the grant received. Combinations of these two approaches can be used. State funds contributed by the State itself, via local governments, or through State grants and contracts to grantees can be used to meet the match requirement.

This legislation repeals 19 existing Federal youth development and youth prevention programs. It is not the intent of the committee that each of these programs should cease to exist upon the passage of this legislation. Rather, it is the intent of the committee that local communities make determinations about the use of these funds. The legislation contains a "grandfather clause" which enables community boards to continue providing funding to existing

local programs which had previously received funding from one or more of the programs repealed by this legislation. There is no requirement or expectation by the committee that the continuation of funding for these programs under this legislation will require those programs to change their program activities or operations, other than the reporting and application processes. The committee believes that many of these programs will continue to receive funding under this legislation based on their history of providing services and the manner in which they have successfully met the needs of local youth and families.

The legislation contains broad outlines of reporting requirements for local grantees and restricts the use of the funds available for program administration, planning, and coordination activities to 10 percent. An additional 5 percent can be used for evaluation of the programs. The committee believes the majority of the funds made available under this legislation should be used for the provision of direct services to children and youth. However, the committee acknowledges the need for funds to facilitate local coordination, collaboration, planning, and administration. The evaluation of program activities is critical in making the determination that the programs receiving funding are achieving the outcomes identified by the community board. Each of these activities are considered ongoing responsibilities of the community board, essential to the development of a quality youth development strategy in the community.

REALLOTMENT AND REALLOCATION

The legislation contains provisions for the reallocation of funds which are not expended by States and local communities. If a State fails to apply for funds made available under this legislation, the Federal Government will solicit and award grant applications from local community boards within that State. In the event that there are insufficient applicants resulting in unallocated funds, the Department of Health and Human Services will reallocate those funds to other States. If a local community fails to apply for funds from the State allocation made available under this legislation, the unallocated funds will be distributed to other community boards in the State.

COMMUNITY YOUTH DEVELOPMENT BOARDS

The committee believes the community board is a key component to the development of a local comprehensive youth development strategy. The legislation provides flexibility in the composition of this community board. It is the committee's intent that when possible, an existing group meeting the requirements of the legislation be designated as the community board. This can be accomplished by designating an existing board, creating a subgroup of an existing board, merging existing groups, or any other mechanism. If there is not an appropriate board currently functioning within a community, a board will be created to administer these funds.

An appointing authority is identified in the legislation. This appointing authority is not intended to be a formal group or committee, but an assemblage of key persons in the community who must work together to create or designate the community board. The committee believes that the creation of community board should be

the result of a partnership, not the sole discretionary decision of one individual or group. The primary purpose of the appointing authority is to designate or create a community board. Members of the appointing authority will vary from community to community. At a minimum, the appointing authority will include the chief executive officer of the county or equivalent political subdivision, the representative of local youth development providers, and the representative selected by the educational community serving the county.

Two additional individuals also may be on the appointing authority: a representative of the local providers of substance abuse prevention services and a representative of a municipal government within the county. The committee recognizes the importance of substance abuse prevention and the providers of those services. If none of the other members of the appointing authority have experience in providing substance abuse prevention services, a representative selected by substance abuse prevention providers serving the community will be a member of the appointing authority. In counties where the population of a city or town within that county is equal to or exceeds 30 percent of the total county population, the chief executive officer of that city or town will be a member of the appointing authority.

It is the intention of the committee that when the legislation refers to "the representative" of a particular group or category of individuals (i.e., youth development providers, substance abuse providers, educational community) that the selection of "the representative" to serve on the appointing authority be made by their peers, not the chief executive officer of the county or other single individual or group. However, the chief executive officer of the county should ensure that substantial efforts be made to identify and notify all possible individuals, groups, organizations, and agencies serving the county about the need to select a representative for the appointing authority. These individuals, groups, organizations, and agencies should then be convened for the purpose of selecting their own representative to serve on the appointing authority. There should be substantial efforts to ensure that all possible public and private entities and individuals are permitted to participate in this process.

The legislation contains modifications on the appointing authority and community board for States with no county or similar political subdivision and for counties with populations of 25,000 or less. The committee believes these modifications maintain the intent of the community partnership goal of the legislation while permitting adjustments to facilitate the implementation of the legislation in a variety of local and State geopolitical configurations.

The legislation includes specific provisions to encourage multicounty partnerships in the implementation of this legislation. These partnerships can involve a total merging of community planning, administration, and funding, or can involve joint administration for a particular program or activities conducted in two or more counties. The committee recognizes the variability of geopolitical boundaries and the overlay of other boundaries such as school systems, human service delivery areas, and other arrangements which can affect the implementation of the "Youth Development Commu-

nity Block Grant.” It is the committee’s intent that the structure of this legislation be sufficiently flexible for communities to make common sense decisions about the utilization of funds, unimpeded by Federal barriers.

The appointing authority will jointly determine the membership of the community board which will be responsible for administering the funds allocated to the community by the State. The size of the community board is limited by the legislation to not less than five and not more than eleven. The committee believes that this is the most efficient size to facilitate decision making within a group. The committee recognizes that some communities will have difficulty in limiting the size of the community board in its efforts to be inclusive and build an effective partnership. For this reason, the committee suggests that the community board can be part of a larger group, establish task forces, advisory groups, or working groups, solicit input from other individuals in the community through open public meetings, or use other appropriate mechanisms to engage the community in the creation and implementation of a comprehensive youth development strategy.

The legislation provides a variety of suggestions regarding the membership of the community board. The committee strongly intends for those provisions to serve as a guide, not a mandate or requirement. The legislation does require that two skills be represented on the community board. The committee believes that it is essential to the operations of a community youth development board that an individual with experience in providing youth development services be a member of the community board. If that person does not have experience in the area of substance abuse prevention, an additional individual with that experience also must be a member of the board.

The community board will develop their own bylaws regarding the terms of office of members, the election of officers, and the method by which vacancies on the community board will be filled. These by-laws also must contain provisions regarding potential conflicts of interest by members of the board. The committee believes the legislative provisions regarding conflict of interest are essential to maintaining the integrity and the public perception of the community board.

The community board is required to appoint a fiscal agent for the administration of funds. This fiscal agent may be an individual, a private agency, or a unit of local government.

DUTIES OF COMMUNITY BOARD

The primary duty of the community board is the development and implementation of a community strategic plan. The committee believes this plan is essential to a comprehensive, cohesive network of youth development services for children, youth, and their families. It is on the basis of this community strategic plan that the activities and programs funded by this legislation will be evaluated. The committee believes this plan should be fluid in order to adapt to changes in the community. The plan should be based on a realistic assessment of the needs of youth in the community, a recognition of existing local resources, a prioritization of effort, and a set

of measurable objectives and outcomes to which local youth development activities and programs should respond.

The other major function of the community board is to establish monitoring and evaluation procedures to determine if grantees are operating consistent with the local strategic plan and the requirements of this legislation. The community board is responsible for providing or obtaining training and technical assistance designed to enable grant applicants, grantees, and the board itself to achieve the goals of the legislation.

A State may deny the allocation of funds to a community board if the strategic plan does not meet the requirements of the legislation. If the State rejects a strategic plan submitted by a community board, the community board may appeal that decision in accordance with the appeals process developed by the Secretary of the Department of Health and Human Services. It is the intention of the committee that the State and community board should work together to identify areas of disagreement and jointly resolve the problems which lead to the rejection of a strategic plan.

Community boards are required to submit an annual report to the State regarding the programs and activities receiving funds under this legislation. The committee believes there is a fine line that must be drawn between the information required to ensure compliance with this legislation and burdensome bureaucratic requirements that become a barrier to local flexibility. The committee is confident that States and the Secretary of the Department of Health and Human Services will be judicious in the development of reporting requirements for community boards.

Costs for planning, administration, coordination, evaluation, and fiscal agent expenses are limited to 5 percent of the total community allocation. The committee recognizes that effective oversight and implementation of the legislation requires adequate funding. However, it is the intention of the committee to ensure that, to the maximum extent possible, funds appropriated for this legislation be used for direct services.

DUTIES OF THE STATES

While the "Youth Development Community Block Grant" is primarily focused on community-based efforts to build a comprehensive youth development network for youth and their families, the States play an important role in accomplishing the goals of the legislation. The States are responsible for monitoring and assisting the work of community boards receiving funds under this legislation. The governor is responsible for designating a statewide entity to administer and conduct State activities specified in the legislation. It is the belief of the committee that the governor should choose an entity with experience in the area of youth development which can provide guidance and assistance to community boards. This entity may or may not be a State government entity. In many States there are existing private or public-private entities that may be better suited to this purpose than a State agency. The committee intends that this legislation should not lead to the creation of additional bureaucratic structures if an entity with the capacity to administer the legislation exists within the State.

It is important that the governor establish a mechanism for receiving advice and guidance on the implementation of the legislation from a variety of organizations and individuals within the State. In this way, the governor can improve the effectiveness and increase the coordination of youth development services and activities statewide.

The State is responsible for monitoring community boards and their grantees to ensure compliance with the legislation. While annual reports from community boards are the formal mechanism for accomplishing this task, the committee believes that the State entity administering these funds should be in sufficient formal and informal contact with communities, community boards established under this legislation, and direct service providers to be aware of problems that may be emerging. This informal and formal contact, during the normal course of business, should serve as a mechanism of continual oversight and monitoring of the funds. It is the intent of the committee that the State serve as a support and assistance mechanism for local community boards and their grantees. This role is as important as the oversight responsibilities. It is important that States help community boards come into compliance with the legislation through training, technical assistance, the transfer of information and technology, and other mechanisms.

If a State determines that a community board or grantee is not in compliance with the requirements of this act, the State has the authority to terminate funding for the program, activity, or community board. Prior to the termination of funding, the State must identify these deficiencies and inform the community board or grantee of the areas which need correction. The State must provide appropriate training or technical assistance designed to correct the deficiencies. If the community board or grantee fails to substantially correct the deficiencies within a year, the funds can be terminated by the State. The committee is hopeful that all community boards and grantees can correct deficiencies identified by the State within a reasonable time period.

The State will submit an annual report to the Department of Health and Human Services describing how funds authorized under this legislation have been used in the State. This report should be based on the annual reports received from community boards, the monitoring activities conducted by the State, and fiscal audit reports.

In addition, each State may reserve a portion of the funds allocated to the State under this legislation for direct grants to community service providers. These funds are to enable the State to respond to emergency situations and to provide additional resources to communities with high levels of poverty. The State should ensure that any direct grants made to a community are well-coordinated with the activities of the community board serving that area.

DUTIES OF THE ASSISTANT SECRETARY

The committee believes that there needs to be a coordinated Federal strategy for youth development. Although this legislation consolidates current youth prevention and youth development programs, there are other Federal programs which can contribute to the effort to support children, youth and their families. Those pro-

grams range from various programs in the Department of Education to delinquency and crime victim programs within the Department of Justice. There needs to be an effort on the Federal level to ensure that these programs complement each other rather than duplicate efforts.

This legislation requires the Assistant Secretary of the Administration of Children and Families in the Department of Health and Human Services to establish a mechanism to receive advice and guidance from individuals and organizations involved in youth development. The committee believes that this information will be helpful in improving the practice of youth development and coordinating public and private efforts to provide youth development services.

The committee, in an effort to strengthen Federal youth development investments, has included a provision in the legislation requiring the development of national policy goals and a national strategic plan for youth development. Neither these goals or strategic plan are binding on States or local community boards. The purpose is to better coordinate Federal activities focused on youth and their families among Federal agencies and to provide direction for Federal efforts in the area of youth development and prevention.

The legislation provides the Department of Health and Human Services with the authority to monitor and evaluate the activities of the State, community boards, and grantees. The primary purpose of this authority is to assist these entities in developing quality youth development services and activities. The Federal Government should play a pivotal role in the transfer of information and technology that the committee believes will be essential in the successful implementation of this legislation.

This legislation requires the Assistant Secretary to consult with various Federal agencies to ensure effective coordination of programs and activities funded under this legislation. The legislation does not specify a particular mechanism for accomplishing this task. The Assistant Secretary may use an existing entity such as the Coordinating Council established by the Juvenile Justice and Delinquency Prevention Act of 1974 (as amended) or the continuation of an entity such as the Ounce of Prevention Council established under the Violent Crime Prevention and Law Enforcement Act of 1994. The committee strongly encourages the Assistant Secretary to utilize an existing Federal coordinating mechanism rather than the creation of a new entity.

From the funds reserved for use by the Secretary of the Department of Health and Human Services, the Assistant Secretary is authorized to provide funding for time-limited, research-based demonstrated projects. This effort must be jointly planned and implemented with the Administrator of the Office of Juvenile Justice and Delinquency Prevention in the Department of Justice and the Secretary of the Department of Education.

The Secretary is required to submit a report every 2 years to the President and Congress describing activities funded under this legislation and an assessment of the activities in meeting the goals of the legislation.

The Assistant Secretary of the Department of Health and Human Services has the authority to terminate funding of a State, commu-

nity board, or grantee if the Assistant Secretary determines that the entity is out of compliance with the requirements of this legislation. The Assistant Secretary must inform the entity of the deficiencies causing the noncompliance. Training and technical assistance designed to correct the deficiencies must be provided to the entity in an effort to support and assist the delivery of quality youth development services. If the entity fails to make substantial progress toward the correction of the deficiencies within a year, the Assistant Secretary may terminate the funds.

REPEALS

The legislation repeals the Federal laws authorizing 19 programs. The committee does not believe that this action should or will precipitate the end of these efforts on the local level. If these programs are providing a service, program, or activity that responds to the needs of children and youth in an effective manner, the committee believes continuation funding will be provided by the community boards. In addition, the committee does not believe these repeals terminate the Federal involvement in youth development and youth prevention. This legislation provides a broader, more flexible framework in which Federal involvement can flourish.

CONFORMING AMENDMENTS

This section makes changes in existing law to conform to this legislation.

TRANSFER OF FUNDS

The committee believes that existing Federal youth development and youth prevention programs and funds should be consolidated into a single, cohesive structure. This provision ensures that youth prevention funds appropriated for the year in which this legislation is enacted are transferred for use under the prevailing legislative authorization.

EFFECTIVE DATE AND TRANSITION PROVISIONS

This legislation is in effect upon the date of enactment. A 6-month transition period is created to ensure efficient implementation of the act. The committee believes the legislation will result in substantial reductions in Federal personnel formerly engaged in administering the nineteen programs repealed by this act. This section mandates appropriate reductions in force and requires a report to Congress on those personnel actions.

V. COST ESTIMATE

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, October 4, 1995.

Hon. NANCY LANDON KASSEBAUM,
Chairman, Committee on Labor and Human Resources,
U.S. Senate, Washington, DC.

DEAR MADAM CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 673, the Youth Development Community Block Grant Act of 1995.

Enactment of S. 673 would not affect direct spending or receipts. Therefore, pay-as-you-go procedures would not apply to the bill.

If you wish further details on this estimate, we will be pleased to provide them.

Sincerely,

JAMES L. BLUM,
(For June E. O'Neill, *Director*).

Enclosure.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

1. Bill number: S. 673.
2. Bill title: Youth Community Development Block Grant Act of 1965.
3. Bill status: As ordered reported by the Senate Labor and Human Resources Committee on July 19, 1995.
4. Bill purpose: The purpose of S. 673 is to create a single, comprehensive federal strategy for community-based youth development programs, and to support communities in designing strategic community plans for youth development. This bill is intended to support the primary role of the family in youth development, to prevent youth problems and crimes, to increase community coordination in meeting the needs of youth, to support youth programs that respond to local needs, and to promote community partnerships in youth development programs.
- S. 673 would establish a new Youth Development Community Block Grant program to provide funds to states for youth development activities. Several existing programs relating to crime prevention, drug-free schools, school dropout prevention, prevention of alcohol abuse among at-risk youth, gang-free schools, mentoring, and the National Youth Sports Program would be repealed. Under the new program, states would distribute money to Community Youth Development Boards (Community Boards), which, in turn, would award grants to individual organizations serving youth.
5. Estimated cost to the Federal Government: The following table shows discretionary spending under S. 673 with and without adjustments for inflation where the bill authorizes such sums as necessary. When inflation is considered, authorizations of appropriations total \$4.7 billion over the 1996–2000 period, as compared with \$5.8 billion under current law. When inflation is not considered, the authorizations of appropriations total \$4.4 billion over the 1996–2000 period, as compared with \$5.6 billion under current law. Table 1 (attached) provides details on the costs and savings associated with individual provisions including adjustments for inflation where such sums as necessary are authorized. The details on the

costs and savings associated with individual provisions without making adjustments for inflation are shown in Table 2 (attached).

[By fiscal year, in millions of dollars]

	1995	1996	1997	1998	1999	2000
AUTHORIZATIONS OF APPROPRIATIONS WITH ADJUSTMENTS FOR INFLATION						
Authorizations of appropriations under current law:						
Estimated authorization	693	1,093	1,069	1,191	1,228	1,254
Estimated outlays	672	964	1,027	1,159	1,183	1,212
Total proposed change:						
Estimated authorization		-242	-148	-237	-242	-233
Estimated outlays		-201	-13	-145	-219	-215
Authorizations of appropriations under S. 673:						
Estimated authorization	693	850	921	954	987	1,021
Estimated outlays	672	763	1,014	1,014	964	997
AUTHORIZATIONS OF APPROPRIATIONS WITHOUT ADJUSTMENTS FOR INFLATION						
Authorizations of appropriations under current law:						
Estimated authorization	693	1,075	1,033	1,136	1,155	1,160
Estimated outlays	672	962	1,011	1,124	1,130	1,141
Total proposed change:						
Estimated authorization		-225	-142	-245	-264	-269
Estimated outlays		-199	-13	-152	-238	-250
Authorizations of appropriations under S. 673:						
Estimated authorization	693	850	891	891	891	891
Estimated outlays	672	763	998	972	891	891

Notes.—Components may not sum to totals due to rounding. Authorizations of education programs under current law assume a one-year extension as provided under the General Education Provisions Act (GEPA).
The costs of this bill fall within budget functions 500, 550, and 750.

6. Basis of estimate: The spending that would occur under S. 673 would be subject to the availability of appropriated funds. For purposes of this estimate, CBO assumes that the bill will be enacted and funds appropriated for the block grant on November 15, 1995. Estimated outlays are based in part on historical spending patterns of programs administered by the Department of Health and Human Services, the Department of Education, and the Department of Justice that are similar in nature to the programs created by the bill. In estimating outlays CBO also considered the process outlined in the bill by which funding would be provided to local organizations through state governments and Community Boards.

New programs

S. 673 would create a new Youth Development Community Block Grant which would provide funds for activities that promote youth development. For this block grant, the bill would authorize to be appropriated \$890.9 million for fiscal year 1996 and such sums as may be necessary for each of fiscal years 1997 through 2000.

The estimate assumes that appropriations for the new block grant in fiscal year 1996 would be lower than the authorization of appropriations written in the bill, due to the assumed effective date of November 15, 1995. For fiscal years 1997–2000, CBO assumes that the full amounts authorized in the bill would be appropriated.

If authorized levels for this program are adjusted for inflation, new budget authority for this program would total \$4.7 billion for fiscal years 1996–2000. If authorized levels are not adjusted for inflation, new budget authority for this program would total \$4.3 billion for fiscal years 1996–2000.

Under this program, the Department of Health and Human Services (HHS) would distribute grants to states according to a formula

based on the number of youth, the number of low-income youth, and the incidence of juvenile crime. States would then distribute these funds to Community Boards (set up at the county level) which, in turn, would award grants to local youth development organizations. Community Boards in states that do not receive an allocation could apply directly to HHS for funding.

S. 673 would set aside 1.5 percent and 0.5 percent of the total sums appropriated for grants to Native Americans and outlying areas, respectively. Three percent of total sums appropriated would be reserved for HHS to administer the program.

Repeal of existing programs

S. 673 would repeal several existing programs related to youth development. Programs that would be repealed include those under Subtitles A, B, D, J, and O of Title III of the Violent Crime Control and Law Enforcement Act of 1994 (relating to crime prevention programs), and Part D of Title II, Part G of Title II, and Title V of the Juvenile Justice and Delinquency Prevention Act of 1974 (related to gang-free schools, mentoring, and delinquency programs). S. 673 would also repeal Title IV and Part C of Title V of the Elementary and Secondary Education Act of 1965 (relating to drug-free schools and school dropout problems) and Section 517 of the Public Health Service Act (relating to grants for the prevention of alcohol and drug abuse among high-risk youth). Finally, S. 673 would repeal Section 408 of the Human Services Reauthorization Act of 1986 (relating to partnership agreements), Section 682 of the Community Services Block Grant Act (relating to the National Youth Sports Program), and Chapters 1 and 2 of Subtitle B of Title III of the Anti-Drug Abuse Act of 1988 (relating to drug abuse prevention relating to youth gangs and homeless youth).

The estimate assumes that the repeal of programs for which specific authorization levels were written in the law would reduce authorized amounts by the specified amounts, regardless of the appropriation level in previous years. Programs repealed for which specific authorization levels were not written in the law were assumed to reduce authorizations by the amount equal to the fiscal year 1995 appropriated amounts (either adjusted or not adjusted for inflation). Because of the assumed effective date of November 15, 1995, these programs would continue to operate through part of fiscal year 1996.

S. 673 would require termination of the positions of individuals who currently run those programs that would be repealed. CBO estimates that this provision would not result in additional budget savings beyond the personnel reductions required under P.L. 103-226, the Federal Workforce Restructuring Act of 1994.

7. Pay-as-you-go considerations: None.

8. Estimated Cost to State and local governments: S. 673 would impose no mandates on state or local governments. However, the bill would require certain actions in order for states to receive funding under the new block grant program. The various youth development programs under current law also require certain processes of states in order to receive funding. Under S. 673, application and reporting requirements, as well as funding streams, would

be consolidated under a single block grant, which could provide administrative efficiencies at the state level.

S. 673 would require participating states to allot funds to Community Boards at the local level using the same formula by which the HHS allots money to the states. States would be required to establish or designate an existing entity to administer the state activities under this bill. States would also be required to consult with individuals in the youth development field, monitor the activities of Community Boards, and report to the HHS. States would be able to use no more than four percent of their federal allotment for their administrative costs.

The Community Boards would be established according to the requirements under this bill and would award grants to local organizations for youth development activities. Grant recipients would be required to match federal funding with other non-federal funding (which may include spending by state and local governments). S. 673 would require that federal funds provided by this grant program supplement, but not supplant, federal, state and local public funds used for youth development activities.

The federal share of funding for these youth development programs would be 80 percent in the first year, 70 percent in the second year, 60 percent in the third year, and 50 percent in the fourth and any subsequent years.

9. Estimate Comparison: None.

10. Previous CBO Estimate: None.

11. Estimate prepared by: Mark Grabowicz, Anne Hunt, Justin Latus, and Dottie Rosenbaum.

12. Estimate approved by: Paul N. Van de Water, Assistant Director for Budget Analysis.

TABLE 1.—AUTHORIZATIONS OF APPROPRIATIONS WITH ADJUSTMENTS FOR INFLATION

[In millions of dollars]

	1995	1996	1997	1998	1999	2000
Authorizations under current law:						
Estimated authorization	693	1,093	1,069	1,191	1,228	1,254
Estimated outlays	672	964	1,027	1,159	1,183	1,212
New block grant:						
Estimated authorization		780	921	954	987	1,021
Estimated outlays		156	850	987	964	997
Program repeals:						
Crime prevention programs:						
Subtitle A (of title III of crime bill)						
Estimated authorization		— 13	— 18	— 18	— 19	— 19
Estimated outlays		— 3	— 9	— 15	— 18	— 19
Subtitle B:						
Estimated authorization		— 67	— 76	— 76	— 76	— 73
Estimated outlays		— 15	— 42	— 69	— 76	— 75
Subtitle D:						
Estimated authorization		— 91	— 122	— 153	— 194	— 202
Estimated outlays		— 20	— 61	— 112	— 148	— 178
Subtitle J:						
Estimated authorization		— 236	— 284	— 356	— 356	— 356
Estimated outlays		— 236	— 284	— 356	— 356	— 356
Subtitle O:						
Estimated authorization		— 3	0	0	0	0
Estimated outlays		— 1	— 1	— 1	0	0
Crime prevention programs total:						
Estimated authorization		— 410	— 500	— 603	— 645	— 650
Estimated outlays		— 274	— 397	— 553	— 599	— 628

TABLE 1.—AUTHORIZATIONS OF APPROPRIATIONS WITH ADJUSTMENTS FOR INFLATION—Continued

[In millions of dollars]

	1995	1996	1997	1998	1999	2000
ESEA title V—C:						
Estimated authorization		– 29	– 30	– 31	– 32	– 33
Estimated outlays		– 3	– 23	– 29	– 31	– 32
ESEA title IV:						
Estimated authorization		– 498	– 515	– 533	– 551	– 571
Estimated outlays		– 60	– 400	– 504	– 531	– 550
Public Health Service Act Sec. 517:						
Estimated authorization		0	0	0	0	0
Estimated outlays		0	0	0	0	0
Juvenile justice and delinquency prevention:						
Title II—D (Gang-free schools):						
Estimated authorization		– 44	0	0	0	0
Estimated outlays		– 10	– 17	– 15	– 2	0
Title II—G (mentoring):						
Estimated authorization		– 4	0	0	0	0
Estimated outlays		– 1	– 1	– 1	0	0
Title V (local delinquency):						
Estimated authorization		– 18	0	0	0	0
Estimated outlays		– 4	– 7	– 6	– 1	– 0
Human Services Reauthorization Act of 1986—Sec. 408 (demonstration partnerships):						
Estimated authorization		– 7	– 9	– 9	0	– 0
Estimated outlays		– 2	– 6	– 8	– 7	– 1
Community Services Block Grant Act (National Youth Sports Programs):						
Estimated authorization		– 13	– 15	– 15	0	0
Estimated outlays		– 3	– 12	– 15	– 11	– 2
Anti-Drug Abuse Act III—B, Chs. 1 and 2 (drug abuse prevention for youth gangs, runaway and homeless youth):						
Estimated authorization		0	0	0	0	0
Estimated outlays		0	0	0	0	0
Total Repeals:						
Estimated authorization		– 1,022	– 1,069	1,191	– 1,228	– 1,254
Estimated outlays		– 357	– 864	– 1,132	– 1,182	– 1,212
Total Proposed Change:						
Estimated authorization		– 242	– 148	– 237	– 242	– 233
Estimated outlays		– 201	– 13	– 145	– 219	– 215
Authorizations of Appropriations Under S. 673:						
Estimated authorization	693	850	921	954	987	1,021
Estimated outlays	672	763	1,014	1,014	964	997

TABLE 2.—AUTHORIZATIONS OF APPROPRIATIONS WITHOUT ADJUSTMENTS FOR INFLATION

[In millions of dollars]

	1995	1996	1997	1998	1999	2000
Authorizations under current law:						
Estimated authorization	693	1,075	1,033	1,136	1,155	1,160
Estimated outlays	672	962	1,011	1,124	1,130	1,141
New block grant:						
Estimated authorization		780	891	891	891	891
Estimated outlays		156	835	947	891	891
Program repeals:						
Crime prevention programs:						
Subtitle A (of title III of crime bill):						
Estimated authorization		– 13	– 18	– 18	– 19	– 19
Estimated outlays		– 3	– 9	– 15	– 18	– 19
Subtitle B:						
Estimated authorization		– 67	– 76	– 76	– 76	– 73
Estimated outlays		– 15	– 42	– 69	– 76	– 75
Subtitle D:						
Estimated authorization		– 91	– 122	– 153	– 194	– 202

TABLE 2.—AUTHORIZATIONS OF APPROPRIATIONS WITHOUT ADJUSTMENTS FOR INFLATION—Continued
[In millions of dollars]

	1995	1996	1997	1998	1999	2000
Estimated outlays		–20	–61	–112	–148	–178
Subtitle J:						
Estimated authorization		–236	–284	–356	–356	–356
Estimated outlays		–236	–284	–356	–356	–356
Subtitle O:						
Estimated authorization		–3	0	0	0	0
Estimated outlays		–1	–1	–1	0	0
Crime prevention programs total:						
Estimated authorization		–410	–500	–603	–645	–650
Estimated outlays		–274	–397	–553	–599	–628
ESEA title V–C:						
Estimated authorization		–28	–28	–28	–28	–28
Estimated outlays		–3	–22	–27	–28	–28
ESEA title IV:						
Estimated authorization		–482	–482	–482	–482	–482
Estimated outlays		–58	–386	–472	–482	–482
Public Health Service Act Sec. 517:						
Estimated authorization		0	0	0	0	0
Estimated outlays		0	0	0	0	0
Juvenile justice and delinquency prevention:						
Title II–D (Gang-free schools):						
Estimated authorization		–44	0	0	0	0
Estimated outlays		–10	–17	–15	–2	0
Title II–G (mentoring):						
Estimated authorization		–4	0	0	0	0
Estimated outlays		–1	–1	–1	0	0
Title V (local delinquency):						
Estimated authorization		–18	0	0	0	0
Estimated outlays		–4	–7	–6	–1	0
Human Services Reauthorization Act of 1986—Sec. 408 (demonstration partnerships):						
Estimated authorization		–7	–8	–8	0	0
Estimated outlays		–2	–6	–8	–6	–1
Community Services Block Grant Act (National Youth Sports Programs):						
Estimated authorization		–13	–15	–15	0	0
Estimated outlays		–3	–12	–15	–11	–2
Anti-Drug Abuse Act III–B, Chs. 1 and 2 (drug abuse prevention for youth gangs, runaway and homeless youth):						
Estimated authorization		0	0	0	0	0
Estimated outlays		0	0	0	0	0
Total Repeals:						
Estimated authorization		–1,004	–1,033	–1,136	–1,155	–1,160
Estimated outlays		–355	–848	–1,098	–1,129	–1,141
Total Proposed Change:						
Estimated authorization		–225	–142	–245	–264	–269
Estimated outlays		–199	–13	–152	–238	–250
Authorizations of Appropriations Under S. 673:						
Estimated authorization	693	850	891	891	891	891
Estimated outlays	672	763	998	972	891	891

VI. REGULATORY IMPACT STATEMENT

The committee has determined that this bill will decrease the regulatory burdens in current laws.

VII. SECTION-BY-SECTION ANALYSIS

SHORT TITLE AND TABLE OF CONTENTS

Section 1 of the bill provides that this legislation may be cited as the “Youth Development Community Block Grant Act of 1995” and presents the table of contents.

FINDINGS

Section 2 establishes the findings of Congress with regard to the purposes of the act, especially noting: (1) the ability of positive youth development programs to help youth develop life skills and values and avoid high risk behaviors; (2) the resources offered by community-based youth-serving organizations; (3) the barrier to effective program coordination posed by narrowly targeted categorical programs; and the importance of the Federal Government adopting a comprehensive strategy to promote the positive development of youth.

PURPOSES

Section 3 provides that the purpose of the act is to create a single, comprehensive Federal strategy for community-based youth development programs, and to support communities in designing plans that: (1) support the role of the family; (2) give priority to prevention; (3) promote community collaboration; (4) support the development and expansion of community-based youth development programs to respond to local needs; and (5) promote community partnerships.

DEFINITIONS

Section 4(1) defines “Assistant Secretary” to mean the Assistant Secretary for Children and Families of the Department of Health and Human Services.

Section 4(2) defines “community-based” with respect to organizations to mean one that is representative of the community and is engaged in providing services in the community and with respect to a program or service to a program of service provided to the community in which the program or service is located.

Section 4(3) defines “community board” to mean a Community Youth Development Board established under section 11.

Section 4(4) defines “county” to mean a political subdivision of a State that may, under described circumstances, include a city, town, township, village, or other general purpose political subdivision.

Section 4(5) defines “local educational agency” to have the same meaning as the term in section 14101 of the Elementary and Secondary Education Act of 1965.

Section 4(6) defines “low-income family” to mean one with an income below the poverty line.

Section 4(7) defines “outcome objective” to mean an objective that relates to the impact of a program on program participants, families, schools, or communities including ones related to: (A) changes in competencies; (B) reducing high-risk behaviors; and (C) increas-

ing protective factors for participants, their families, peer groups, schools, or communities.

Section 4(8) defines “outlying area” to mean the Virgin Islands, America Samoa, the Northern Mariana Islands, the Marshall Islands, Micronesia, and Palau.

Section 4(9) defines “poverty line” to mean the poverty line defined by the Office of Management and Budget and revised annually.

Section 4(10) defines “process objective” to mean an objective that related to the manner in which a program is carried out including ones that relate to: (A) the degree it reaches its intended target population; (B) the degree to which it address known risk factors and inhibits those behaviors; (C) the number, age, gender, and ethnicity of the youth involved; (D) the degree to which services are consistent with the program model; and (E) the cost of services.

Section 4(11) defines “State” to mean each of the States, DC, and Puerto Rico.

Section 4(12) defines “substance abuse” to mean that given in section 534 of the Public Health Service Act.

Section 4(13) defines “youth” to mean an individual not younger than 6 nor older than 18.

Section 4(14) defines “youth development organization” to mean a private nonprofit youth-serving organization with a major emphasis on providing youth development programs.

Section 4(15) defines “youth development program” to mean a program that: (A) helps youth develop social competencies, moral competencies, emotional competencies, physical competencies and cognitive competencies; (B) conducts activities with a primarily nonacademic focus; (C) employs active and experiential learning; (D) builds relationships; and (E) promotes competencies through various group and one-on-one activities, examples of which are described.

Section 4(16) defines “youth-serving organization” to mean an organization with a primary focus on providing youth development, health and fitness, education, substance abuse prevention, child welfare, child protective, psychological, parenting, recreation, teen pregnancy, rehabilitative, or residential services to youth.

GENERAL DISTRIBUTION OF FUNDS

Section 5(a)(1) provides an authorization for an appropriation of \$890,900,000 for fiscal year 1996 and such sums as necessary for fiscal years 1997 through 2000.

Section 5(a)(2) authorizes amounts to carry out this act from the Violent Crime Reduction Trust Fund Act for fiscal years 1997 through 2000 equal to the amount authorized to be appropriated for such fiscal years under Title III of the Violent Crime Control and Law Enforcement Act of 1994, to carry out section 15(a).

Section 5(b) provides that from sums appropriated, the Assistant Secretary shall reserve: 95 percent for allotments to States and Community Boards; 1.5 percent for Native American Organizations; 0.5 percent for outlying areas; and 3 percent for activities by the Administration for Children and Families.

DISTRIBUTION OF STATE ALLOTMENTS

Section 6(a) provides that the Assistant Secretary make allocations to the States to: (1) assist Community Boards carry out required activities; (2) administer programs; (3) assist appropriate entities, under special circumstances, to carry out local programs to respond to emergency situations and to serve areas with a high concentration of low-income families.

Section 6(b) provides that the Assistant Secretary allot to each State the sum of an amount equally based on three factors: (1) the proportion of youth in the State to the number of youth in all the States; (2) the proportion of youth from low-income families to number of youth from low-income families in all the States; and (3) the average incidence of juvenile crime in the State relative to the incidence of such crime in all the States during a four year period.

Section 6(c) provides a minimum allotment to each State that is not less than 0.5 percent of the total distribution amount.

Section 6(d) provides that to receive an allotment each State must submit an application.

DISTRIBUTION OF LOCAL ALLOCATIONS

Section 7(a)(1) provides that a State may reserve not more than 4 percent of its allotment for administration and that, when appropriations are more than \$500,000,000, a State may use 3.5 percent for discretionary programs to respond to emergency situations or serve areas with high concentration of poverty;

Section 7(a)(2) provides that when appropriations are more than \$500,000,000, a State shall make equitable allotments to each Community Board, based on the Federal allotment formula with noted exceptions;

Section 7(a)(3) provides that when appropriations are less than \$500,000,000, States shall make grants to Community Boards for activities under subsection (b)(2)(A) and section 9(a); consider the criteria described in the formula when making equitable allocations; and consider grants awarded to a Community Board to be a local allocation.

Section 7(b)(1) provides that, for the first fiscal year a Community Board is eligible to receive funds, a State shall make available 5 percent of the allocation for initial planning (up to six months) in return for a letter of intent to apply for funds from the Community Board;

Section 7(b)(2) provides that the State distribute remainder of the local allocation to Community Boards who submit an application containing a community strategic plan to be used for community-based youth development programs that: (1) address process and outcome objectives; (2) promote youth competencies; (3) recognize the role of the family; (4) provide for youth, parent, and community involvement; (5) identify protective factors and risk factors to be addressed; (6) coordinate services; (7) build relationships; (8) encourage youth leadership and civic involvement; (9) seek to establish long-term relationship with participating youth; (10) employ strong outreach efforts; (11) provide age-appropriate activities; (12) provide activities that are open to all youth and that target a population of special need recipients; and (13) use less than 10 percent

of the amount to provide preservice and inservice training to program staff, except that no Community Board may use funds to carry out a youth employment program providing subsidized employment, job training, or school-to-work activities.

DISTRIBUTION TO OTHER ENTITIES

Section 8(a)(1) provides that from sums reserved, the Assistant Secretary shall make grants to Native American organizations which submit an application containing required information and defines: "Indian" to mean the same as in section 4(d) of the Indian Self-Determination and Education Assistance Act; "Native American Organization" to mean a tribal organization as defined in section 4(l) of the above mentioned act, a Native Hawaiian Organization as defined in section 4009(4) of the Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988, and a private nonprofit organization established for the purpose of serving Indian or Native Hawaiian youth; and "Native Hawaiian" to mean the same as in section 4009(1) of the Hawkins-Stafford Amendments of 1988.

Section 8(b) provides that from reserved sums, the Assistant Secretary shall make grants to outlying areas which submit an application containing required information.

DISTRIBUTION OF GRANT ASSISTANCE

Section 9(a)(1) provides that a Community Board shall award grants to carry out youth development programs addressing process and outcome objectives as established in the community strategic plan.

Section 9(a)(2) provides that the Community Board shall issue a request for proposals, specifying the process and outcome objectives to be addressed.

Section 9(a)(3) provides that the Community Board shall consider the extent to which a program meets the objectives and goals of the plan; describes the conditions to be met by for-profit entities; and assures the eligibility of religious and charitable organizations.

Section 9(a)(4) provides that to be eligible, an entity must conform to specifications established by the Community Board.

Section 9(a)(5) provides that the Community Board may award grants for up to 3 years and establishes the conditions under which the Community Board can terminate funding.

Section 9(a)(6) provides that the Community Board may renew grants it makes, giving substantial weight to the effectiveness of activities.

Section 9(a)(7) provides that the Federal share of the cost shall be 80 percent for the first year, 70 percent for the second year, 60 percent for the third year, and 50 percent for the fourth and any subsequent year and further provides, with regard to the non-Federal share, that grant recipients provide it from non-Federal sources, that they may provide it in cash, and that they may not provide more than half of the share from in-kind services.

Section 9(a)(8) provides that the Community Board may choose to continue programs carried out prior to this act with funds from Federal programs that are consolidated by section 15.

Section 9(b) provides that each grant recipient must submit an annual report to the Community Board within 45 days of the end of the fiscal year.

Section 9(c) provides that a grant recipient may use up to 10 percent of its awarded funds for planning, administration, and coordination, and may use an additional 5 percent for evaluation.

REALLOTMENT AND REALLOCATION

Section 10(a)(1) provides that if a State does not submit an application in any year, the Assistant Secretary may make grants directly to Community Boards in the State.

Section 10(a)(2) provides that a Community Board, in order to receive a direct grant from the Assistant Secretary, must submit an application containing required information and comply with the act.

Section 10(a)(3) provides that the provisions of sections 9, 11, and 12 shall apply to Community Boards receiving direct grants and that references to the State in those sections shall be deemed to be references to the Assistant Secretary.

Section 10(b) provides that if the State does not make application and the Assistant Secretary does not make an award directly to a Community Board in that State, the Assistant Secretary shall then make that State's allotment available to other States.

Section 10(c) provides that if a county within a State does not submit an application, then the State shall make the allocation of that county available to other counties.

Section 10(d)(1) provides that any State receiving funds from this act must obligate the funds not later than 6 months after receipt or return the funds for reallocation.

Section 10(d)(2) provides that any Native American organization or outlying area shall obligate funds not later than 6 months after the date of receipt or return the funds for reallocation.

Section 10(d)(3) provides that any Community Board that receives shall obligate those funds not later than 6 months after receipt or return the funds to the State for reallocation or to the Assistant Secretary, if the funds have been awarded directly.

Section 10(d)(4) provides that grant recipients shall expend the funds made available to them not later than 3 years after receipt or return the funds to the State for reallocation.

Section 10(e) provides that funds appropriated under this act shall be used to supplement and not supplant other Federal, State, and local public funds.

COMMUNITY YOUTH DEVELOPMENT BOARD

Section 11(a) provides a definition for this section for "appointing authority" to mean the Chief Executive Officer and the representatives described in subsection (b)(1)(A) except in special circumstances.

Section 11(b)(1)(A) provides that in order for entities within a county to receive funds, the Chief Executive Officer of the county, a representative of educational community, a representative of community-based youth development organizations, and, if needed for reasons described) a representative selected by substance abuse prevention providers shall facilitate the establishment of a local en-

tity or appoint an existing one that meets the requirements of this section to serve as the Community Youth Development Board.

Section 11(b)(1)(B) provides that the appointing authority shall consider permitting an existing community-based coalition focused on youth to serve as the Community Board.

Section 11(b)(2) provides that, except in less populated counties, in a State referred to in section (4)(4), in order for entities within a general purpose political subdivision to receive assistance, a local government official selected by the State in lieu of the Chief Executive Officer of a county, a representative of the educational community, a representative of the community-based youth development community, and, if needed for reasons described, a representative of substance abuse prevention providers shall provide for facilitation or designation of the Community Board.

Section 11(b)(3) provides that the appointing authorities of 2 or more counties may agree to facilitate or designate a multicounty Community Board and, if they do so, shall act jointly to carry out the duties required by this section.

Section 11(b)(4) provides that in a county with a population of less than 25,000, paragraphs (1), (2), and (3) and subsections (c) through (f) shall not apply and the Chief Executive Officer of the county may serve as the Community Board but must consult with schools, local educational agencies, youth-serving organizations, and youth development organizations.

Section 11(c) provides that the appointing authority for a county shall determine the number of members on a Community Board which shall not be less than 5 nor more than 11 members.

Section 11(d)(1) provides that the appointing authority for a county shall appoint members of Community Boards that are established rather than designated, except that if any political subdivision of a State is located totally or partially within a county and has more than 30 percent of the total population of the county then the Chief Executive Officer of the subdivision shall be included in the appointing authority.

Section 11(d)(2) provides that the Community Board shall be comprised of members whose interests and involvement in youth and youth development reflect the various segments of the community.

Section 11(d)(3) provides that in establishing or designating the Community Board, the appointing authority must consider the inclusion of representatives of community-based youth development organizations, community-based youth-serving organizations, community-based family serving organizations, local government, law enforcement, juvenile and family courts, local schools, local businesses, philanthropic organizations, the religious community, and families.

Section 11(d)(4) provides that: (1) at least 1 member of the Community Board have demonstrated experience in the design and delivery of youth development programs; (2) at least 1 member have demonstrated experience in youth substance abuse prevention, except that in a county with a population of 100,000 or less, if the Chief Executive Officer of the County determines that because of the absence of youth development organizations, the county cannot establish an appointing authority meeting the requirements, a rep-

representative of a community-based youth serving organization with require expertise may serve on the same basis as a representative of a youth development organization.

Section 11(e) provides that the Community Board shall adopt by-laws that include the terms of office of members, the election of officers, the election of officers, and the selection of members to fill vacancies, as well a conflict of interest provision that requires any member of the Community Board who has a conflict interest on any matter to refrain from voting on the matter.

Section 11(f) provides that the appointing authority appoint a fiscal agent for the Community Board to carry out such duties as the Board finds appropriate.

DUTIES OF COMMUNITY BOARDS

Section 12(a)(1) provides that the Community Board shall prepare and submit to the State, after giving the appointing authority an opportunity to review and comment, a community strategic plan for youth development in the county involved including: (1) an assessment of community needs and assessment; (2) an assessment of substance in the community; (3) specific process objectives and outcome objectives for youth development programs; and (4) measures of program effectiveness that shall be used to evaluate the progress of grant recipients.

Section 12(a)(2) provides that the Community Board shall be responsible for establishing monitoring and evaluation procedures to assess the progress of grant recipients, as well as for providing technical assistance.

Section 12(a)(3) provides that a State may deny approval of the community strategic plan if it does not meet the requirements of this act and establishes an appeal process for the Community Board.

Section 12(b) provides that each Community Board shall submit an annual report to the State containing at a minimum information on the programs and activities funded by the Board, the extent to which private funds are leveraged, and the extent to which the grant recipients achieved their objectives.

Section 12(c) provides that in addition to any initial planning funds provided, the Community Board may use up to 5 percent of the funds received for planning, administration, coordination, and evaluation expenses, and expenses for the fiscal agent.

DUTIES OF THE STATE

Section 13(a) provides that the Governor of the State must establish an entity or designate an existing entity to administer and conduct State activities describe under this act.

Section 13(b) provides that the Governor must establish a mechanism to receive regular advice for individuals and organizations described in section 11(d)(3).

Section 13(c)(1) provides that the State must approve the application of a Community Board within 30 days of its submission and distribute its allocation or notify the Board of the additional steps that the Board must undertake to bring the plan into compliance.

Section 13(c)(2) provides that the State has the primary responsibility for ensuring that the Community Boards operate in compliance with the act.

Section 13(c)(3) provides that the State must provide technical assistance related to the development and implementation of community strategic plans.

Section 13(c)(4) provides that if the State determines that a Community Board or a grant recipient fails to comply with the requirements of this act, the State must: (1) inform the Community Board or recipient of deficiencies in need of correction; (2) provide training and technical assistance to correct the deficiencies and ensure compliance; and (3) terminate funding after 1 year of training or technical assistance, if substantial efforts to correct the deficiencies have not been made.

Section 13(d) provides that each State, not later than 120 days after the end of each fiscal year, must submit an annual report to the Assistant Secretary, accompanied by an independent audit.

DUTIES OF THE ASSISTANT SECRETARY

Section 14(a) provides that the Assistant Secretary shall establish a mechanism to receive regular advice and input from a representative mix of individuals and organizations described in section 11(d)(3).

Section 14(b)(1) provides that after reviewing annual reports and audit findings, and input from youth development organizations and youth-serving organizations, and other interested parties, the Assistant Secretary shall develop and issue national policy goals that reflect the process objectives and outcome objectives specified in community strategic plans.

Section 14(b)(2) provides that based on the national policy goals, the Assistant Secretary, in cooperation with the Administrator of the Office of Juvenile Justice and Delinquency, the Secretary of Education, and other Federal Officers carrying out Federal youth development programs, shall develop a national strategic plan for youth development, including specific process and outcome objectives designed to achieve the national policy goals.

Section 14(c) provides that the Assistant Secretary shall develop and establish a system for monitoring and evaluating the effectiveness of activities funded under this act.

Section 14(d) provides that the Assistant Secretary shall consult with the heads of appropriate Federal agencies involved with youth development to assure coordination at the Federal level.

Section 14(e) provides that the Secretary shall develop a system for providing training and technical assistance to States and local communities to increase their capacity to provide quality youth development programs.

Section 14(f) provides that the Assistant Secretary, in cooperation with the Administrator of the Office of Juvenile Justice and Delinquency and the Secretary of Education, may provide financial assistance to appropriate entities to carry out time-limited, research-based youth development demonstration programs designed to improve the knowledge base of the youth development and youth prevention fields.

Section 14(g) provides that every 2 years, the Assistant Secretary shall submit to the President and Congress a report describing the activities funded under this act with an assessment of effectiveness.

Section 14(h) provides that if the Assistant Secretary determines that a State, a Community Board, or a grant recipient fails to comply with the requirements of act, the Assistant Secretary shall inform the entity of the deficiencies that need correction, provide appropriate training and technical assistance to correct the deficiencies, and initiate action to terminate funding if after 1 year of training or technical assistance no substantial efforts to correct the deficiencies have been made.

REPEALS

Section 15(a)(1) provides that subtitles A, B, D, J, and O of title III of the Violent Crime Control and Law Enforcement Act of 1994 relating to crime prevention programs are repealed.

Section 15(a)(2) provides that chapter 67 of title 31, United States Code, relating to the Local Partnership Act is repealed.

Section 15(a)(3) provides that the amendments made by subtitle O of title III of the Violent Crime Control and Law Enforcement Act of 1994 relating to urban recreation and at-risk youth are repealed.

Section 15(b) provides that title IV of the Elementary and Secondary Education Act of 1965 relating to drug free schools and communities and Part C of title V of the Elementary and Secondary Education Act relating to assistance to address school dropout problems are repealed.

Section 15(c)(1) provides that section 517 of the Public Health Service Act relating to grants for the prevention of alcohol and drug abuse among high-risk youth is repealed.

Section 15(c)(2) provides that part D of title II of the Juvenile Justice and Delinquency Prevention Act of 1974 relating to gang-free schools and communities is repealed.

Section 15(c)(3) provides that part G of title III of the Juvenile Justice and Delinquency Prevention Act of 1974 relating to mentoring is repealed.

Section 15(c)(4) provides that title V of the Juvenile Justice and Delinquency Prevention Act of 1974 relating to local delinquency programs is repealed.

Section 15(c)(5) provides that section 408 of the Human Services Reauthorization Act of 1986 relating to demonstration partnership agreements is repealed.

Section 15(c)(6) provides that section 682 of the Community Services Block Grant relating to the National Youth Sports Program is repealed.

Section 15(c)(7) provides that chapters 1 and 2 of subtitle B of title III of the Anti-Drug Abuse Act of 1988 relating to drug abuse prevention relating to youth gangs and runaway and homeless youth is repealed.

CONFORMING AMENDMENTS

Section 16(a) makes conforming amendments to the Violent Crime Control and Law Enforcement Act of 1994.

Section 16(b) makes conforming amendments to the General Education Programs Act, the Goals 2000: Educate America Act, the Elementary and Secondary Act of 1965, and the Anti-Drug Abuse Act of 1988.

Sections 16(c) makes conforming amendments to the National School Lunch Act.

TRANSFER OF FUNDS

Section 17(a) provides that the total of amounts described in subsection (b) shall be transferred to the budget account for this act and made available to carry out this act for fiscal year 1996.

Section 17(b) provides that the amount referred to in subsection (a) is a total of the amounts (not to exceed \$500,000,000) available in fiscal year 1996 to carry out programs repealed by section 15(a) that have not been obligated by the date of enactment of this act plus the amounts that have been made available for fiscal year 1996 to carry out a provision of Federal law repealed by subsection (b) or (c) of section 15 that have not been obligated by the date of enactment of this act.

EFFECTIVE DATE AND TRANSITION PROVISIONS

Section 18(a) provides that this act and the amendment made by this act shall take effect on the date of enactment.

Section 18(b) provides that a recipient of funds under any program carried out on the day before the date of enactment of this act under any provision referred to in section 15 may use the funds to carry out reasonable and necessary transition activities.

Section 18(c) provides that not later than 6 months after enactment of this Act, the Secretary of Education, the Attorney General, and the Secretary of Health and Human Services shall take actions to ensure that the positions of personnel who carried out functions under a repealed provision are separated from service and that the Director of the Office of Management and the Budget prepare a report verifying that these actions have been taken.

VIII. ADDITIONAL VIEWS OF SENATOR DEWINE

The purpose of this legislation is to send resources from Washington back to local communities so they can tackle the needs of local youth. I think this is a laudable and important goal. During consideration of the bill in Committee, however, I raised a couple of concerns I would also like to address here.

I have some concerns about the issue of drug abuse prevention. During the Committee process, we were able to amend the bill to address this concern in four important ways:

One. We added a representative of substance abuse prevention agencies and substance abuse prevention providers to the appointing authority for the community boards.

Two. We added these substance abuse agencies and providers to the list of organizations from which the States—and the Assistant Secretary of HHS—must solicit advice on the development of goals for the bill.

Three. We required that the community board which will implement this bill must include an individual with demonstrated experience in youth substance abuse prevention.

Four. We required that the counties—as a necessary element of their community strategic plan—make an assessment of the substance abuse problem in their community.

All of these improvements in the bill are designed to bring back the focus on the local youth drug problem, at a time when this problem is clearly getting worse. The most recent statistics on drug abuse indicate that more and more teenagers are using marijuana and other drugs today than in the recent past. This represents a highly undesirable U-turn in our anti-drug effort, after America had made more than a decade of progress in reducing drug use among this group.

This indicates to me that any reduction in the Federal commitment to solving this problem would be extremely unwise at this time. That's why I am concerned that the Committee may have taken a step backward, by moving to eliminate the specific requirement that a comprehensive Federal program be targeted on drug abuse prevention. In my view, we should be reaffirming our commitment to the Safe and Drug-Free Schools and Communities program, not reducing that commitment.

During Committee consideration of the bill, I supported the unsuccessful attempt to target funding for this extremely valuable program.

I also remain concerned about the level of our effort to target the needs of at-risk youth. We are operating in a climate of budgetary retrenchment. We have to make absolutely sure that the money we spend is very carefully targeted on our most important problems.

The growing class of at-risk youth represents just such a problem. Since 1965, the juvenile arrest rate for violent crimes has tri-

pled. Children are the fastest-growing segment of the criminal population. The Ohio Department of Education does not have complete statistics on graduation. But the statistics they do have suggest that of the kids who enter Ohio high schools, only 75 percent graduate four years later. And that statistic sugarcoats the much more dismal reality in Ohio's cities. In Youngstown, only 46 percent graduate after four years. In Columbus, only 44 percent. In Toledo, only 37 percent.

These children are not being educated. And we all know what that leads to. According to the Educational Testing Service, half of the heads of households on welfare are dropouts. And the Ohio Department of Rehabilitation and Corrections reports that 25 percent of the inmates in Ohio prisons are dropouts.

These young people are falling behind too far, too fast. We need to make sure that we keep a national focus on these children.

While I voted to report the bill, and send it to the floor, I want to make clear my desire that we do a lot more to target drug abuse prevention and the problem of at-risk youth.

MIKE DEWINE.

IX. MINORITY VIEWS OF SENATORS KENNEDY, PELL, DODD,
SIMON, HARKIN, MIKULSKI, AND WELLSTONE

The Youth Development Community Block Grant (YDCBG) represents an important effort to focus on the positive development of the nation's young people. We are supportive of a continued and increasing federal commitment to the prevention and developmental need of youth. We also agree that successful programs combine substantial local decision-making capabilities with effective accountability measures and rigorous federal evaluation.

This commendable effort cannot, however, replace current federal efforts, which have a strong record of success in meeting the needs of children and youth. In this regard, we do not support the repeal of many programs that form a foundation of youth prevention efforts nationally. Unlike the Youth Development Block Grant, these programs target limited resources to those communities and individuals most in need. Many of the programs identified for repeal have a strong focus on substance abuse prevention—a focus that the YDCBG lacks. By withdrawing federal support for youth prevention programs in schools, the Act ignores the role of schools as effective deliverers of primary prevention services. Finally, the county based structure created in the legislation may impede the goal of increased coordination and cooperation between entities providing youth services.

THE NEED TO TARGET PREVENTION EFFORTS TO AT-RISK YOUTH

In order to use limited resources most effectively, a federal youth development effort should target efforts to youth at greatest risk of engaging in behavior that results in negative outcomes. While the Youth Development Community Block Grant formula directs funds to states with serious need, the county structure does not ensure that these dollars serve the communities and youth most at-risk.

The effect of poverty on children tends to increase the likelihood that poor children will drop out of school, run away from home, join gangs, abuse drugs or alcohol, or involve themselves in other risky situations and behaviors. While not all poor children become violent, and not all youths involved in violence are poor, it is widely recognized that poverty increases the pressures on children and creates an environment that offers limited options for young people.

Youth living in low-income and high-risk situations are most in need of positive alternatives. Data from the 1994 Bureau of Justice Statistics; National Crime Victimization Study show that all persons from low income households and persons living in cities are much more likely to be victims of violence. Young black males are likely to experience violence than any other group.

Poor children are more likely to live in high-risk neighborhoods, to grow up in single-parent households, to attend poor schools and

have less access to health care and other support services. Confronted with limited choices and opportunities, low-income youth are at greater risk of failing to develop important social and academic skills and of making choices that result in negative outcomes. The Children's Defense Fund reports that 83% of adolescents who give birth are from economically disadvantaged households.

Engaging in one type of high-risk behavior often leads to others, and can further alienate young people and increase the likelihood of a negative outcome, such as school termination, teen pregnancy or juvenile violent crime. The Department of Justice Uniform Crime Reports show that the fastest growing murder circumstance is juvenile gang killings. The suicide rate for 10- to 14-year-olds more than doubled between 1980 and 1992. The highest rate of increase was among black males. Substance abuse, mental illness, and antisocial behavior are among the most common underlying factors associated with teenage suicide. Targeted prevention efforts that focus resources on youths who are more likely to engage in high-risk behavior can help stop further negative behavior and prevent negative outcomes.

We agree that all children and youth could benefit from these efforts implemented under S. 673, however, in times of limited and diminishing resources, we continue to believe that targeting is the most effective approach.

THE NEED FOR A CONTINUED FEDERAL COMMITMENT TO YOUTH SUBSTANCE ABUSE PREVENTION

Substance abuse is associated with many negative youth behaviors and is particularly strongly correlated with violent crime. The Youth Development Community Block Grant of 1995 repeals several programs that focus on substance abuse prevention for youth without adequately ensuring that such efforts will continue under the new legislation.

After a significant decrease during the 1980's drug use by youth has increased over the last three years. The Monitoring the Future study released by the National Institute on Drug Abuse showed that in 1994, 45.6 percent of high school seniors had used an illicit drug at least once in their lifetime. The study also showed that the use of cocaine, LSD and inhalants also increased among 8th and 10th graders between 1993 and 1994.

Young people identify drugs as their biggest problem and are forced to choose whether to use drugs by the time they graduate from high school, according to a study released by the Center on Addiction and Substance Abuse at Columbia University. The study also revealed that young people report having easy access to drugs, with 54% reporting that cocaine or heroin is readily available to them.

Despite the on-going need for substance abuse prevention efforts, current legislative proposals suggest a retreat from a federal anti-drug commitment, first made in the early 1980's. Several recent legislative and funding measures propose to reduce or eliminate federal substance abuse efforts including proposals to eliminate funding for the Office of National Drug Control Policy and the Center for Substance Abuse Prevention. The federal government has

played a critical role in substance abuse prevention efforts, and it is important to maintain this focus, particularly in relation to youth.

THE IMPORTANCE OF SCHOOL-BASED PROGRAMS

In the 1995 Phi Delta Kappa/Gallup Poll, parents of public school children identified three of the four biggest problems in education to be lack of discipline, violence, and drug abuse. The fourth was lack of proper financial support. The results of this poll suggest that the attempt of S. 673 to transfer funds targeted for violence and substance abuse out of the public schools is at sharp odds with public opinion.

The bill's approach also ignores the existing knowledge base on effective preventive interventions. Schools continue to be one of the most promising sites for prevention programs. In 1992, the Institute of Medicine issued a landmark report entitled "Reducing Risks for Mental Disorders: Frontiers for Preventive Intervention Research". The Institute identified eighteen programs for school-aged children and adolescents that, under rigorous evaluation, were deemed effective. All but one program was school-based.

A 1993 GAO study suggested that federal support of such programs could be an effective use of limited resources. The report states: "Given the decreasing resources available for human service delivery, providing support for and guidance with developing impact and cost effectiveness evaluations of comprehensive school-linked programs could be an important role for the federal government to play in promoting effective comprehensive programs for school-aged children" (p. 4).

Community-based programs are important. However, they should serve to complement, not replace, school-based prevention programs. By withdrawing Federal prevention funding from schools, S. 673 has the potential to seriously disrupt current efforts by schools to address drug abuse, violence, and other problem behaviors.

THE SAFE AND DRUG-FREE SCHOOLS AND COMMUNITIES PROGRAM

The Safe and Drug-Free Schools and Communities program is the only comprehensive federal effort devoted to making our schools safer and preventing substance abuse among our youth. For nearly a decade, it has been an active force in schools across the country preventing substance abuse and violence. Ninety-four percent of all schools districts use Safe and Drug-Free School funds to support a broad range of prevention programs in schools and communities to reach America's youth. Repealing this effective and proven program puts the goal of consolidation above the goal of serving America's youth.

The Safe and Drug-Free Schools effort is particularly important in light of recent studies which have shown increasing drug use and a growing tolerance for experimentation among youth. Violence also threatens our efforts to improve schools and education. It has been estimated by the Centers for Disease Control that nearly one in five students carries a weapon—a knife, firearm or club—to school.

Last year's reauthorization of the Safe and Drug-Free Schools and Communities Act made a number of important changes to the program. These include expansion of the program to include a new focus on violence, targeting of funds to the areas of highest need, and a renewed commitment to community partnerships. In addition, a new emphasis is placed on a local needs assessment and increasing flexibility in program design at the local level to ensure that the needs of the community are being met.

The Safe and Drug-Free Schools program is today reaching children and youth, reducing violence and drug abuse, and supporting schools and community efforts to meet the needs of youth. Unlike the Youth Development Community Block grant, it targets funds to the neediest youth and is delivered in the schools as well as through the community. This successful effort should not be sacrificed to fund a new, unproven program.

COMMUNITY SCHOOLS AND FACES

Passed as part of the Violent Crime Prevention and Law Enforcement Act of 1994, the Community Schools program just issued its first year grants after receiving applications from over 700 communities. The Community Schools concept has already been tested in a handful of communities around the country. These communities report that schools are becoming centers of community life—safe, visible places where children and their families come after school, in the evening, on weekends and during the summer to participate in academic enrichment and mentoring, and to obtain other resources and services. Through this initiative, consortia of community residents, business and civic leaders, educators, religious organizations, law enforcement, public housing agencies, community-based youth-serving organizations, and others form partnerships to provide comprehensive services that promote positive development of youth.

The community schools concept is critical innovation based on the importance of schools to effective participation and overall success of community programs. Supporting positive, health youth development and promoting academic achievement, Community Schools prevent youth involvement in violence and other negative behaviors. The repeal of this program, just as the first grants have been made, ignores the support for school-based prevention efforts and the effectiveness of using the existing structures in creative, community-driven ways to bring these services to young people.

ADDITIONAL PROGRAMS

In consolidating many programs into a state block grant, the legislation eliminates several additional programs vital to the future of our nation's youth. Many effective, targeted programs are repealed with insufficient guarantee that the activities they support would or could be continued under the proposed legislation. These programs include, but are not limited to, the School Dropout Assistance Program, the Local Crime Prevention Block Grant, the Family and Community Endeavor Schools Grant Program, the Ounce of Prevention Council and the Community Schools program.

The Ounce of Prevention Council was enacted as part of the Violent Crime Prevention and Law Enforcement Act of 1994. The

Council coordinates and integrates the government's youth crime prevention activities. In its short existence, it has made great strides in carrying out its mission. Under the chairmanship of Vice-President Gore, it has succeeded in cataloguing the government's prevention activities, guiding a government-wide discussion about grant simplification, and initiating outreach to local groups who look to the federal government to support their youth development programs. The Ounce of Prevention Council is an important program whose significant accomplishments would be cut short by the YDCBG.

STRUCTURE OF COUNTY BOARDS

While the bill cites the need for coordination and cooperation between entities providing youth services, the county-level government structure created by the bill would seriously hamper such efforts. The bill permits alternative arrangements in the few states that lack county governments, but for other states the governing structure will be cumbersome to administer and will result in the creation of redundant and non-representative bureaucracies. In addition, the county structure will further decrease the likelihood that grants will fund programs for the most at-risk youth.

Cities and towns currently provide many of the services addressed in S. 673. However, under this bill they would not be involved in the grant process in any meaningful way. Because counties vary widely, it is difficult to imagine how even the best eleven-person board at the county level could fairly and equitably administer a relatively limited amount of funds to address the needs of all the jurisdictions it comprises.

Schools should play a critical role in addressing the goals outlined in S. 673. But, because school districts are not coterminous with county boundaries, county boards will be hard pressed to involve schools in these efforts. Furthermore, under the structure prescribed in the legislation, representation of the needs of all types of school districts on Community Boards is virtually impossible. For example, under S. 673, the Community Board for Cook County, Illinois could be structured without representation of the Chicago Public School System, which enrolls 56.3% of all school-aged children in the county.

CONCLUSION

We appreciate the efforts of Senator Kassebaum and her staff to address our concerns. While we could not support this legislation for the reasons described above, we share the Chairman's desire to focus on youth development issues and we look forward to continued efforts to find new and effective ways to meet the needs of our nation's young people.

EDWARD M. KENNEDY.
CLAIBORNE PELL.
CHRISTOPHER DODD.
PAUL SIMON.
TOM HARKIN.
BARBARA A. MIKULSKI.
PAUL WELLSTONE.

X. CHANGES IN EXISTING LAW

In compliance with rule XXVI paragraph 12 of the Standing Rules of the Senate, the following provides a print of the statute or the part or section thereof to be amended or replaced (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

VIOLENT CRIME CONTROL AND LAW ENFORCEMENT ACT OF 1994

PUBLIC LAW 103-322

* * * * *

[TITLE III—CRIME PREVENTION

[Subtitle A—Ounce of Prevention Council

[SEC. 30101. OUNCE OF PREVENTION COUNCIL.

[(a) ESTABLISHMENT.—

[(1) IN GENERAL.—There is established an Ounce of Prevention Council (referred to in this title as the “Council”), the members of which—

[(A) shall include the Attorney General, the Secretary of Education, the Secretary of Health and Human Services, the Secretary of Housing and Urban Development, the Secretary of Labor, the Secretary of Agriculture, the Secretary of the Treasury, the Secretary of the Interior, and the Director of the Office of National Drug Control Policy; and

[(B) may include other officials of the executive branch as directed by the President.

[(2) CHAIR.—The President shall designate the Chair of the Council from among its members (referred to in this title as the “Chair”).

[(3) STAFF.—The Council may employ any necessary staff to carry out its functions, and may delegate any of its functions or powers to a member or members of the Council.

[(b) PROGRAM COORDINATION.—For any program authorized under the Violent Crime Control and Law Enforcement Act of 1994, the Ounce of Prevention Council Chair, only at the request of the Council member with jurisdiction over that program, may coordinate that program, in whole or in part, through the Council.

[(c) ADMINISTRATIVE RESPONSIBILITIES AND POWERS.—In addition to the program coordination provided in subsection (b), the Council shall be responsible for such functions as coordinated planning, development of a comprehensive crime prevention program catalogue, provision of assistance to communities and community-based orga-

nizations seeking information regarding crime prevention programs and integrated program service delivery, and development of strategies for program integration and grant simplification. The Council shall have the authority to audit the expenditure of funds received by grantees under programs administered by or coordinated through the Council. In consultation with the Council, the Chair may issue regulations and guidelines to carry out this subtitle and programs administered by or coordinated through the Council.

[SEC. 30102. OUNCE OF PREVENTION GRANT PROGRAM.

[(a) IN GENERAL.—The Council may make grants for—

[(1) summer and after-school (including weekend and holiday) education and recreation programs;

[(2) mentoring, tutoring, and other programs involving participation by adult role models (such as D.A.R.E. America);

[(3) programs assisting and promoting employability and job placement; and

[(4) prevention and treatment programs to reduce substance abuse, child abuse, and adolescent pregnancy, including outreach programs for at-risk families.

[(b) APPLICANTS.—Applicants may be Indian tribal governments, cities, counties, or other municipalities, school boards, colleges and universities, private nonprofit entities, or consortia of eligible applicants. Applicants must show that a planning process has occurred that has involved organizations, institutions, and residents of target areas, including young people, and that there has been cooperation between neighborhood-based entities, municipality-wide bodies, and local private-sector representatives. Applicants must demonstrate the substantial involvement of neighborhood-based entities in the carrying out of the proposed activities. Proposals must demonstrate that a broad base of collaboration and coordination will occur in the implementation of the proposed activities, involving cooperation among youth-serving organizations, schools, health and social service providers, employers, law enforcement professionals, local government, and residents of target areas, including young people. Applications shall be geographically based in particular neighborhoods or sections of municipalities or particular segments of rural areas, and applications shall demonstrate how programs will serve substantial proportions of children and youth resident in the target area with activities designed to have substantial impact on their lives.

[(c) PRIORITY.—In making such grants, the Council shall give preference to coalitions consisting of a broad spectrum of community-based and social service organizations that have a coordinated team approach to reducing gang membership and the effects of substance abuse, and providing alternatives to at-risk youth.

[(d) FEDERAL SHARE.—

[(1) IN GENERAL.—The Federal share of a grant made under this part may not exceed 75 percent of the total costs of the projects described in the applications submitted under subsection (b) for the fiscal year for which the projects receive assistance under this title.

[(2) WAIVER.—The Council may waive the 25 percent matching requirement under paragraph (1) upon making a determination that a waiver is equitable in view of the financial cir-

cumstances affecting the ability of the applicant to meet that requirement.

[(3) NON-FEDERAL SHARE.—The non-Federal share of such costs may be in cash or in kind, fairly evaluated, including plant, equipment, and services.

[(4) NONSUPPLANTING REQUIREMENT.—Funds made available under this title to a governmental entity shall not be used to supplant State or local funds, or in the case of Indian tribal governments, funds supplied by the Bureau of Indian Affairs, but shall be used to increase the amount of funds that would, in the absence of Federal funds received under this title, be made available from State or local sources, or in the case of Indian tribal governments, from funds supplied by the Bureau of Indian Affairs.

[(5) EVALUATION.—The Council shall conduct a thorough evaluation of the programs assisted under this title.

[SEC. 30103. DEFINITION.

[In this subtitle, “Indian tribe” means a tribe, band, pueblo, nation, or other organized group or community of Indians, including an Alaska Native village (as defined in or established under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

[SEC. 30104. AUTHORIZATION OF APPROPRIATIONS.

[There are authorized to be appropriated to carry out this subtitle—

- [(1) \$1,500,000 for fiscal year 1995;
- [(2) \$14,700,000 for fiscal year 1996;
- [(3) \$18,000,000 for fiscal year 1997;
- [(4) \$18,000,000 for fiscal year 1998;
- [(5) \$18,900,000 for fiscal year 1999; and
- [(6) \$18,900,000 for fiscal year 2000.

[Subtitle B—Local Crime Prevention Block Grant Program

[SEC. 30201. PAYMENTS TO LOCAL GOVERNMENTS.

[(a) PAYMENT AND USE.—

[(1) PAYMENT.—The Attorney General, shall pay to each unit of general local government which qualifies for a payment under this subtitle an amount equal to the sum of any amounts allocated to the government under this subtitle for each payment period. The Attorney General shall pay such amount from amounts appropriated under section 30202.

[(2) USE.—Amounts paid to a unit of general local government under this section shall be used by that unit for carrying out one or more of the following purposes:

[(A) Education, training, research, prevention, diversion, treatment, and rehabilitation programs to prevent juvenile violence, juvenile gangs, and the use and sale of illegal drugs by juveniles.

[(B) Programs to prevent crimes against the elderly based on the concepts of the Triad model.

[(C) Programs that prevent young children from becoming gang involved, including the award of grants or contracts to community-based service providers that have a proven track record of providing services to children ages 5 to 18.

[(D) Saturation jobs programs, offered either separately or in conjunction with the services provided for under the Youth Fair Chance Program, that provide employment opportunities leading to permanent unsubsidized employment for disadvantaged young adults 16 through 25 years of age.

[(E) Midnight sports league programs that shall require each player in the league to attend employment counseling, job training, and other educational classes provided under the program, which shall be held in conjunction with league sports games at or near the site of the games.

[(F) Supervised sports and recreation programs, including Olympic Youth Development Centers established in cooperation with the United States Olympic Committee, that are offered—

[(i) after school and on weekends and holidays, during the school year; and

[(ii) as daily (or weeklong) full-day programs (to the extent available resources permit) or as part-day programs, during the summer months.

[(G) Prevention and enforcement programs to reduce—

[(i) the formation or continuation of juvenile gangs; and

[(ii) the use and sale of illegal drugs by juveniles.

[(H) Youth anticrime councils to give intermediate and secondary school students a structured forum through which to work with community organizations, law enforcement officials, government and media representatives, and school administrators and faculty to address issues regarding youth and violence.

[(I) Award of grants or contracts to the Boys and Girls Clubs of America, a national nonprofit youth organization, to establish Boys and Girls Clubs in public housing.

[(J) Supervised visitation centers for children who have been removed from their parents and placed outside the home as a result of abuse or neglect or other risk of harm to them and for children whose parents are separated or divorced and the children are at risk because—

[(i) there is documented sexual, physical, or emotional abuse as determined by a court of competent jurisdiction;

[(ii) there is suspected or elevated risk of sexual, physical, or emotional abuse, or there have been threats of parental abduction of the child;

[(iii) due to domestic violence, there is an ongoing risk of harm to a parent or child;

[(iv) a parent is impaired because of substance abuse or mental illness;

[(v) there are allegations that a child is at risk for any of the reasons stated in clauses (i), (ii), (iii), and (iv), pending an investigation of the allegations; or

[(vi) other circumstances, as determined by a court of competent jurisdiction, point to the existence of such a risk.

[(K) Family Outreach Teams which provide a youth worker, a parent worker, and a school-parent organizer to provide training in outreach, mentoring, community organizing and peer counseling and mentoring to locally recruited volunteers in a particular area.

[(L) To establish corridors of safety for senior citizens by increasing the numbers, presence, and watchfulness of law enforcement officers, community groups, and business owners and employees.

[(M) Teams or units involving both specially trained law enforcement professionals and child or family services professionals that on a 24-hour basis respond to or deal with violent incidents in which a child is involved as a perpetrator, witness, or victim.

[(N) Dwelling units to law enforcement officers without charge or at a substantially reduced rent for the purpose of providing greater security for residents of high crime areas.

[(b) TIMING OF PAYMENTS.—The Attorney General shall pay each amount allocated under this subtitle to a unit of general local government for a payment period by the later of 90 days after the date the amount is available or the first day of the payment period if the unit of general local government has provided the Attorney General with the assurances required by section 30203(d).

[(c) ADJUSTMENTS.—

[(1) IN GENERAL.—Subject to paragraph (2), the Attorney General shall adjust a payment under this subtitle to a unit of general local government to the extent that a prior payment to the government was more or less than the amount required to be paid.

[(2) CONSIDERATIONS.—The Attorney General may increase or decrease under this subsection a payment to a unit of general local government only if the Attorney General determines the need for the increase or decrease, or the unit requests the increase or decrease, within one year after the end of the payment period for which the payment was made.

[(d) RESERVATION FOR ADJUSTMENTS.—The Attorney General may reserve a percentage of not more than 2 percent of the amount under this section for a payment period for all units of general local government in a State if the Attorney General considers the reserve is necessary to ensure the availability of sufficient amounts to pay adjustments after the final allocation of amounts among the units of general local government in the State.

[(e) REPAYMENT OF UNEXPENDED AMOUNTS.—

(1) REPAYMENT REQUIRED.—A unit of general local government shall repay to the Attorney General, by not later than 15

months after receipt from the Attorney General, any amount that is—

[(A) paid to the unit from amounts appropriated under the authority of this section; and

[(B) not expended by the unit within one year after receipt from the Attorney General.

[(2) PENALTY FOR FAILURE TO REPAY.—If the amount required to be repaid is not repaid, the Attorney General shall reduce payments in future payment periods accordingly.

[(3) DEPOSIT OF AMOUNTS REPAID.—Amounts received by the Attorney General as repayments under this subsection shall be deposited in a designated fund for future payments to units of general local government.

[(f) NONSUPPLANTING REQUIREMENT.—Funds made available under this subtitle to units of local government shall not be used to supplant State or local funds, but will be used to increase the amount of funds that would, in the absence of funds under this subtitle, be made available from State or local sources.

[SEC. 30202. AUTHORIZATION OF APPROPRIATIONS.

[(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subtitle—

[(1) \$75,940,000 for fiscal year 1996;

[(2) \$75,940,000 for fiscal year 1997;

[(3) \$75,940,000 for fiscal year 1998;

[(4) \$75,940,000 for fiscal year 1999; and

[(5) \$73,240,000 for fiscal year 2000.

Such sums are to remain available until expended.

[(b) ADMINISTRATIVE COSTS.—Up to 2.5 percent of the amount authorized to be appropriated under subsection (b) is authorized to be appropriated for the period fiscal year 1995 through fiscal year 2000 to be available for administrative costs by the Attorney General in furtherance of the purposes of the program. Such sums are to remain available until expended.

[SEC. 30203. QUALIFICATION FOR PAYMENT.

[(a) IN GENERAL.—The Attorney General shall issue regulations establishing procedures under which eligible units of general local government are required to provide notice to the Attorney General of the units' proposed use of assistance under this subtitle.

[(b) GENERAL REQUIREMENTS FOR QUALIFICATION.—A unit of general local government qualifies for a payment under this subtitle for a payment period only after establishing to the satisfaction of the Attorney General that—

[(1) the government will establish a trust fund in which the government will deposit all payments received under this subtitle;

[(2) the government will use amounts in the trust fund (including interest) during a reasonable period;

[(3) the government will expend the payments so received, in accordance with the laws and procedures that are applicable to the expenditure of revenues of the government;

[(4) if at least 25 percent of the pay of individuals employed by the government in a public employee occupation is paid out of the trust fund, individuals in the occupation any part of

whose pay is paid out of the trust fund will receive pay at least equal to the prevailing rate of pay for individuals employed in similar public employee occupations by the government;

[(5) the government will use accounting, audit, and fiscal procedures that conform to guidelines which shall be prescribed by the Attorney General after consultation with the Comptroller General of the United States. As applicable, amounts received under this subtitle shall be audited in compliance with the Single Audit Act of 1984;

[(6) after reasonable notice to the government, the government will make available to the Attorney General and the Comptroller General of the United States, with the right to inspect, records the Attorney General reasonably requires to review compliance with this subtitle or the Comptroller General of the United States reasonably requires to review compliance and operations;

[(7) the government will make reports the Attorney General reasonably requires, in addition to the annual reports required under this subtitle; and

[(8) the government will spend the funds only for the purposes set forth in section 30201(a)(2).

[(c) REVIEW BY GOVERNORS.—A unit of general local government shall give the chief executive officer of the State in which the government is located an opportunity for review and comment before establishing compliance with subsection (d).

[(d) SANCTIONS FOR NONCOMPLIANCE.—

[(1) IN GENERAL.—If the Attorney General decides that a unit of general local government has not complied substantially with subsection (b) or regulations prescribed under subsection (b), the Attorney General shall notify the government. The notice shall state that if the government does not take corrective action by the 60th day after the date the government receives the notice, the Attorney General will withhold additional payments to the government for the current payment period and later payment periods until the Attorney General is satisfied that the government—

[(A) has taken the appropriate corrective action; and

[(B) will comply with subsection (b) and regulations prescribed under subsection (b).

[(2) NOTICE.—Before giving notice under paragraph (1), the Attorney General shall give the chief executive officer of the unit of general local government reasonable notice and an opportunity for comment.

[(3) PAYMENT CONDITIONS.—The Attorney General may make a payment to a unit of general local government notified under paragraph (1) only if the Attorney General is satisfied that the government—

[(A) has taken the appropriate corrective action; and

[(B) will comply with subsection (b) and regulations prescribed under subsection (b).

[SEC. 30204. ALLOCATION AND DISTRIBUTION OF FUNDS.

[(a) STATE DISTRIBUTION.—For each payment period, the Attorney General shall allocate out of the amount appropriated for the period under the authority of section 30202—

[(1) 0.25 percent to each State; and

[(2) of the total amount of funds remaining after allocation under paragraph (1), an amount that is equal to the ratio that the number of part 1 violent crimes reported by such State to the Federal Bureau of Investigation for 1993 bears to the number of part 1 violent crimes reported by all States to the Federal Bureau of Investigation for 1993.

[(b) LOCAL DISTRIBUTION.—(1) The Attorney General shall allocate among the units of general local government in a State the amount allocated to the State under paragraphs (1) and (2) of subsection (a).

[(2) The Attorney General shall allocate to each unit of general local government an amount which bears the ratio that the number of part 1 violent crimes reported by such unit to the Federal Bureau of Investigation for 1993 bears to the number of part 1 violent crimes reported by all units in the State in which the unit is located to the Federal Bureau of Investigation for 1993 multiplied by the ratio of the population living in all units in the State in which the unit is located that reported part 1 violent crimes to the Federal Bureau of Investigation for 1993 bears to the population of the State; or if such data are not available for a unit, the ratio that the population of such unit bears to the population of all units in the State in which the unit is located for which data are not available multiplied by the ratio of the population living in units in the State in which the unit is located for which data are not available bears to the population of the State.

[(3) If under paragraph (2) a unit is allotted less than \$5,000 for the payment period, the amount allotted shall be transferred to the Governor of the State who shall equitably distribute the allocation to all such units or consortia thereof.

[(4) If there is in a State a unit of general local government that has been incorporated since the date of the collection of the data used by the Attorney General in making allocations pursuant to this section, the Attorney General shall allocate to this newly incorporated local government, out of the amount allocated to the State under this section, an amount bearing the same ratio to the amount allocated to the State as the population of the newly incorporated local government bears to the population of the State. If there is in the State a unit of general local government that has been annexed since the date of the collection of the data used by the Attorney General in making allocations pursuant to this section, the Attorney General shall pay the amount that would have been allocated to this local government to the unit of general local government that annexed it.

[(c) UNAVAILABILITY OF INFORMATION.—For purposes of this section, if data regarding part 1 violent crimes in any State for 1993 is unavailable or substantially inaccurate, the Attorney General shall utilize the best available comparable data regarding the number of violent crimes for 1993 for such State for the purposes of allocation of any funds under this subtitle.

[SEC. 30205. UTILIZATION OF PRIVATE SECTOR.]

[Funds or a portion of funds allocated under this subtitle may be utilized to contract with private, nonprofit entities or commu-

nity-based organizations to carry out the uses specified under section 30201(a)(2).

[SEC. 30206. PUBLIC PARTICIPATION.

[A unit of general local government expending payments under this subtitle shall hold at least one public hearing on the proposed use of the payment in relation to its entire budget. At the hearing, persons shall be given an opportunity to provide written and oral views to the governmental authority responsible for enacting the budget and to ask questions about the entire budget and the relation of the payment to the entire budget. The government shall hold the hearing at a time and a place that allows and encourages public attendance and participation.

[SEC. 30207. ADMINISTRATIVE PROVISIONS.

[The administrative provisions of part H of the Omnibus Crime Control and Safe Streets Act of 1968, shall apply to the Attorney General for purposes of carrying out this subtitle.

[SEC. 30208. DEFINITIONS.

[For purposes of this subtitle:

[(1) The term “unit of general local government” means—

[(A) a county, township, city, or political subdivision of a county, township, or city, that is a unit of general local government as determined by the Secretary of Commerce for general statistical purposes; and

[(B) the District of Columbia and the recognized governing body of an Indian tribe or Alaskan Native village that carries out substantial governmental duties and powers.

[(2) The term “payment period” means each 1-year period beginning on October 1 of the years 1995 through 2000.

[(3) The term “State” means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands, except that American Samoa, Guam, and the Northern Mariana Islands shall be considered as one State and that, for purposes of section 30204(a), 33 per centum of the amounts allocated shall be allocated to American Samoa, 50 per centum to Guam, and 17 per centum to the Northern Mariana Islands.

[(4) The term “children” means persons who are not younger than 5 and not older than 18 years old.

[(5) The term “part 1 violent crimes” means murder and non-negligent manslaughter, forcible rape, robbery, and aggravated assault as reported to the Federal Bureau of Investigation for purposes of the Uniform Crime Reports.]

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[Subtitle D—Family and Community Endeavor Schools Grant Program

[SEC. 30401. COMMUNITY SCHOOLS YOUTH SERVICES AND SUPERVISION GRANT PROGRAM.

[(a) **SHORT TITLE.**—This section may be cited as the “Community Schools Youth Services and Supervision Grant Program Act of 1994”.

[(b) **DEFINITIONS.**—In this section—

 [“child” means a person who is not younger than 5 and not older than 18 years old.

 [“community-based organization” means a private, locally initiated, community-based organization that—

 [(A) is a nonprofit organization, as defined in section 103(23) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5603(23)); and

 [(B) is operated by a consortium of service providers, consisting of representatives of 5 or more of the following categories of persons:

 [(i) Residents of the community.

 [(ii) Business and civic leaders actively involved in providing employment and business development opportunities in the community.

 [(iii) Educators.

 [(iv) Religious organizations (which shall not provide any sectarian instruction or sectarian worship in connection with an activity funded under this title).

 [(v) Law enforcement agencies.

 [(vi) Public housing agencies.

 [(vii) Other public agencies.

 [(viii) Other interested parties.

 [“eligible community” means an area identified pursuant to subsection (e).

 [“Indian tribe” means a tribe, band, pueblo, nation, or other organized group or community of Indians, including an Alaska Native village (as defined in or established under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.)), that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

 [“poverty line” means the income official poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)) applicable to a family of the size involved.

 [“public school” means a public elementary school, as defined in section 1201(i) of the Higher Education Act of 1965 (20 U.S.C. 1141(i)), and a public secondary school, as defined in section 1201(d) of that Act.

 [“Secretary” means the Secretary of Health and Human Services, in consultation and coordination with the Attorney General.

 [“State” means a State, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern

Mariana Islands, American Samoa, Guam, and the United States Virgin Islands.

[(c) PROGRAM AUTHORITY.—

[(1) IN GENERAL.—

[(A) ALLOCATIONS FOR STATES AND INDIAN COUNTRY.—

For any fiscal year in which the sums appropriated to carry out this section equal or exceed \$20,000,000, from the sums appropriated to carry out this subsection, the Secretary shall allocate, for grants under subparagraph (B) to community-based organizations in each State, an amount bearing the same ratio to such sums as the number of children in the State who are from families with incomes below the poverty line bears to the number of children in all States who are from families with incomes below the poverty line. In view of the extraordinary need for assistance in Indian country, an appropriate amount of funds available under this subtitle shall be made available for such grants in Indian country.

[(B) GRANTS TO COMMUNITY-BASED ORGANIZATIONS FROM ALLOCATIONS.—For such a fiscal year, the Secretary may award grants from the appropriate State or Indian country allocation determined under subparagraph (A) on a competitive basis to eligible community-based organizations to pay for the Federal share of assisting eligible communities to develop and carry out programs in accordance with this section.

[(C) REALLOCATION.—If, at the end of such a fiscal year, the Secretary determines that funds allocated for community-based organizations in a State or Indian country under subparagraph (B) remain unobligated, the Secretary may use such funds to award grants to eligible community-based organizations in another State or Indian country to pay for such Federal share. In awarding such grants, the Secretary shall consider the need to maintain geographic diversity among the recipients of such grants. Amounts made available through such grants shall remain available until expended.

[(2) OTHER FISCAL YEARS.—For any fiscal year in which the sums appropriated to carry out this section are less than \$20,000,000, the Secretary may award grants on a competitive basis to eligible community-based organizations to pay for the Federal share of assisting eligible communities to develop and carry out programs in accordance with this section.

[(3) ADMINISTRATIVE COSTS.—The Secretary may use not more than 3 percent of the funds appropriated to carry out this section in any fiscal year for administrative costs.

[(d) PROGRAM REQUIREMENTS.—

[(1) LOCATION.—A community-based organization that receives a grant under this section to assist in carrying out such a program shall ensure that the program is carried out—

[(A) when appropriate, in the facilities of a public school during nonschool hours; or

[(B) in another appropriate local facility in a State or Indian country, such as a college or university, a local or

State park or recreation center, church, or military base, that is—

[(i) in a location that is easily accessible to children in the community; and

[(ii) in compliance with all applicable local ordinances.

[(2) USE OF FUNDS.—Such community-based organization—

[(A) shall use funds made available through the grant to provide, to children in the eligible community, services and activities that—

[(i) shall include supervised sports programs, and extracurricular and academic programs, that are offered—

[(I) after school and on weekends and holidays, during the school year; and

[(II) as daily full-day programs (to the extent available resources permit) or as part-day programs, during the summer months;

[(B) in providing such extracurricular and academic programs, shall provide programs such as curriculum-based supervised educational, work force preparation, entrepreneurship, cultural, health programs, social activities, arts and crafts programs, dance programs, tutorial and mentoring programs, and other related activities;

[(C) may use—

[(i) such funds for minor renovation of facilities that are in existence prior to the operation of the program and that are necessary for the operation of the program for which the organization receives the grant, purchase of sporting and recreational equipment and supplies, reasonable costs for the transportation of participants in the program, hiring of staff, provision of meals for such participants, provision of health services consisting of an initial basic physical examination, provision of first aid and nutrition guidance, family counselling, parental training, and substance abuse treatment where appropriate; and

[(ii) not more than 5 percent of such funds to pay for the administrative costs of the program; and

[(D) may not use such funds to provide sectarian worship or sectarian instruction.

[(e) ELIGIBLE COMMUNITY IDENTIFICATION.—

[(1) IDENTIFICATION.—To be eligible to receive a grant under this section, a community-based organization shall identify an eligible community to be assisted under this section.

[(2) CRITERIA.—Such eligible community shall be an area that meets such criteria with respect to significant poverty and significant juvenile delinquency, and such additional criteria, as the Secretary may by regulation require.

[(f) APPLICATIONS.—

[(1) APPLICATION REQUIRED.—To be eligible to receive a grant under this section, a community-based organization shall submit an application to the Secretary at such time, in such manner, and accompanied by such information, as the Sec-

retary may reasonably require, and obtain approval of such application.

[(2) CONTENTS OF APPLICATION.—Each application submitted pursuant to paragraph (1) shall—

[(A) describe the activities and services to be provided through the program for which the grant is sought;

[(B) contain an assurance that the community-based organization will spend grant funds received under this section in a manner that the community-based organization determines will best accomplish the objectives of this section;

[(C) contain a comprehensive plan for the program that is designed to achieve identifiable goals for children in the eligible community;

[(D) set forth measurable goals and outcomes for the program that—

[(i) will—

[(I) where appropriate, make a public school the focal point of the eligible community; or

[(II) make a local facility described in subsection (d)(1)(B) such a focal point; and

[(ii) may include reducing the percentage of children in the eligible community that enter the juvenile justice system, increasing the graduation rates, school attendance, and academic success of children in the eligible community, and improving the skills of program participants;

[(E) provide evidence of support for accomplishing such goals and outcomes from—

[(i) community leaders;

[(ii) businesses;

[(iii) local educational agencies;

[(iv) local officials;

[(v) State officials;

[(vi) Indian tribal government officials; and

[(vii) other organizations that the community-based organization determines to be appropriate;

[(F) contain an assurance that the community-based organization will use grant funds received under this section to provide children in the eligible community with activities and services that shall include supervised sports programs, and extracurricular and academic programs, in accordance with subparagraphs (A) and (B) of subsection (d)(2);

[(G) contain a list of the activities and services that will be offered through the program for which the grant is sought and sponsored by private nonprofit organizations, individuals, and groups serving the eligible community, including—

[(i) extracurricular and academic programs, such as programs described in subsection (d)(2)(B); and

[(ii) activities that address specific needs in the community;

[(H) demonstrate the manner in which the community-based organization will make use of the resources, expertise, and commitment of private entities in carrying out the program for which the grant is sought;

[(I) include an estimate of the number of children in the eligible community expected to be served pursuant to the program;

[(J) include a description of charitable private resources, and all other resources, that will be made available to achieve the goals of the program;

[(K) contain an assurance that the community-based organization will use competitive procedures when purchasing, contracting, or otherwise providing for goods, activities, or services to carry out programs under this section;

[(L) contain an assurance that the program will maintain a staff-to-participant ratio (including volunteers) that is appropriate to the activity or services provided by the program;

[(M) contain an assurance that the program will maintain an average attendance rate of not less than 75 percent of the participants enrolled in the program, or will enroll additional participants in the program;

[(N) contain an assurance that the community-based organization will comply with any evaluation under subsection (m), any research effort authorized under Federal law, and any investigation by the Secretary;

[(O) contain an assurance that the community-based organization shall prepare and submit to the Secretary an annual report regarding any program conducted under this section;

[(P) contain an assurance that the program for which the grant is sought will, to the maximum extent possible, incorporate services that are provided solely through non-Federal private or nonprofit sources; and

[(Q) contain an assurance that the community-based organization will maintain separate accounting records for the program.

[(3) PRIORITY.—In awarding grants to carry out programs under this section, the Secretary shall give priority to community-based organizations who submit applications that demonstrate the greatest effort in generating local support for the programs.

[(g) ELIGIBILITY OF PARTICIPANTS.—

[(1) IN GENERAL.—To the extent possible, each child who resides in an eligible community shall be eligible to participate in a program carried out in such community that receives assistance under this section.

[(2) ELIGIBILITY.—To be eligible to participate in a program that receives assistance under this section, a child shall provide the express written approval of a parent or guardian, and shall submit an official application and agree to the terms and conditions of participation in the program.

[(3) NONDISCRIMINATION.—In selecting children to participate in a program that receives assistance under this section,

a community-based organization shall not discriminate on the basis of race, color, religion, sex, national origin, or disability.

[(h) PEER REVIEW PANEL.—

[(1) ESTABLISHMENT.—The Secretary may establish a peer review panel that shall be comprised of individuals with demonstrated experience in designing and implementing community-based programs.

[(2) COMPOSITION.—A peer review panel shall include at least 1 representative from each of the following:

[(A) A community-based organization.

[(B) A local government.

[(C) A school district.

[(D) The private sector.

[(E) A charitable organization.

[(F) A representative of the United States Olympic Committee, at the option of the Secretary.

[(3) FUNCTIONS.—A peer review panel shall conduct the initial review of all grant applications received by the Secretary under subsection (f), make recommendations to the Secretary regarding—

[(A) grant funding under this section; and

[(B) a design for the evaluation of programs assisted under this section.

[(i) INVESTIGATIONS AND INSPECTIONS.—The Secretary may conduct such investigations and inspections as may be necessary to ensure compliance with the provisions of this section.

[(j) PAYMENTS; FEDERAL SHARE; NON-FEDERAL SHARE.—

[(1) PAYMENTS.—The Secretary shall, subject to the availability of appropriations, pay to each community-based organization having an application approved under subsection (f) the Federal share of the costs of developing and carrying out programs described in subsection (c).

[(2) FEDERAL SHARE.—The Federal share of such costs shall be no more than—

[(A) 75 percent for each of fiscal years 1995 and 1996;

[(B) 70 percent for fiscal year 1997; and

[(C) 60 percent for fiscal year 1998 and thereafter.

[(3) NON-FEDERAL SHARE.—

[(A) IN GENERAL.—The non-Federal share of such costs may be in cash or in kind, fairly evaluated, including plant, equipment, and services (including the services described in subsection (f)(2)(P)), and funds appropriated by the Congress for the activity of any agency of an Indian tribal government or the Bureau of Indian Affairs on any Indian lands may be used to provide the non-Federal share of the costs of programs or projects funded under this subtitle.

[(B) SPECIAL RULE.—At least 15 percent of the non-Federal share of such costs shall be provided from private or nonprofit sources.

[(k) EVALUATION.—The Secretary shall conduct a thorough evaluation of the programs assisted under this section, which shall include an assessment of—

- [(1) the number of children participating in each program assisted under this section;
- [(2) the academic achievement of such children;
- [(3) school attendance and graduation rates of such children;
- and
- [(4) the number of such children being processed by the juvenile justice system.

[SEC. 30402. FAMILY AND COMMUNITY ENDEAVOR SCHOOLS GRANT PROGRAM.

[(a) **SHORT TITLE.**—This section may be cited as the “Family and Community Endeavor Schools Act”.

[(b) **PURPOSE.**—It is the purpose of this section to improve the overall development of at-risk children who reside in eligible communities as defined in subsection (l)(3).

[(c) **PROGRAM AUTHORITY.**—The Secretary may award grants on a competitive basis to eligible local entities to pay for the Federal share of assisting eligible communities to develop and carry out programs in accordance with this section. No local entity shall receive a grant of less than \$250,000 in a fiscal year. Amounts made available through such grants shall remain available until expended.

[(d) **PROGRAM REQUIREMENTS.**—

[(1) **IMPROVEMENT PROGRAMS.**—A local entity that receives funds under this section shall develop or expand programs that are designed to improve academic and social development by instituting a collaborative structure that trains and coordinates the efforts of teachers, administrators, social workers, guidance counselors, parents, and school volunteers to provide concurrent social services for at-risk students at selected public schools in eligible communities.

[(2) **OPTIONAL ACTIVITIES.**—A local entity that receives funds under this section may develop a variety of programs to serve the comprehensive needs of students, including—

- [(A) homework assistance and after-school programs, including educational, social, and athletic activities;
- [(B) nutrition services;
- [(C) mentoring programs;
- [(D) family counseling; and
- [(E) parental training programs.

[(e) **ELIGIBLE COMMUNITY IDENTIFICATION.**—The Secretary through regulation shall define the criteria necessary to qualify as an eligible community as defined in subsection (l)(3).

[(f) **GRANT ELIGIBILITY.**—To be eligible to receive a grant under this section, a local entity shall—

- [(1) identify an eligible community to be assisted;
- [(2) develop a community planning process that includes—
 - [(A) parents and family members;
 - [(B) local school officials;
 - [(C) teachers employed at schools within the eligible community;
 - [(D) public housing resident organization members, where applicable; and
 - [(E) public and private nonprofit organizations that provide education, child protective services, or other human

services to low-income, at-risk children and their families;
and

[(3) develop a concentrated strategy for implementation of the community planning process developed under paragraph (2) that targets clusters of at-risk children in the eligible community.

[(g) APPLICATIONS.—

[(1) APPLICATION REQUIRED.—To be eligible to receive a grant under this section, a local entity shall submit an application to the Secretary at such time, in such manner, and accompanied by such information, as the Secretary may reasonably require, and obtain approval of such application.

[(2) CONTENTS OF APPLICATION.—Each application submitted under paragraph (1) shall—

[(A) contain a comprehensive plan for the program that is designed to improve the academic and social development of at-risk children in schools in the eligible community;

[(B) provide evidence of support for accomplishing the objectives of such plan from—

[(i) community leaders;

[(ii) a school district;

[(iii) local officials; and

[(iv) other organizations that the local entity determines to be appropriate;

[(C) provide an assurance that the local entity will use grant funds received under this subsection to implement the program requirements listed in subsection (d);

[(D) include an estimate of the number of children in the eligible community expected to be served under the program;

[(E) provide an assurance that the local entity will comply with any evaluation requested under subsection (k), any research effort authorized under Federal law, and any investigation by the Secretary;

[(F) provide an assurance that the local entity shall prepare and submit to the Secretary an annual report regarding any program conducted under this section;

[(G) provide an assurance that funds made available under this section shall be used to supplement, not supplant, other Federal funds that would otherwise be available for activities funded under this section; and

[(H) provide an assurance that the local entity will maintain separate accounting records for the program.

[(3) PRIORITY.—In awarding grants to carry out programs under this section, the Secretary shall give priority to local entities which submit applications that demonstrate the greatest effort in generating local support for the programs.

[(h) PEER REVIEW PANEL.—

[(1) ESTABLISHMENT.—The Secretary shall establish a peer review panel not to exceed 8 members that shall be comprised of individuals with demonstrated experience in designing and implementing programs to improve the academic and social development of at-risk children.

[(2) FUNCTIONS.—Such panel shall make recommendations to the Secretary regarding—

[(A) an illustrative model that effectively achieves the program requirements indicated in subsection (d) and a process whereby local entities can request such model; and

[(B) a design for the evaluation of programs assisted under this section.

[(i) INVESTIGATIONS AND INSPECTIONS.—The Secretary may conduct such investigations and inspections as may be necessary to ensure compliance with the provisions of this section.

[(j) FEDERAL SHARE.—

[(1) PAYMENTS.—The Secretary shall, subject to the availability of appropriations, pay to each local entity having an application approved under subsection (g) the Federal share of the costs of developing and carrying out programs referred to in subsection (d).

[(2) FEDERAL SHARE.—The Federal share of such costs shall be 70 percent.

[(3) NON-FEDERAL SHARE.—

[(A) IN GENERAL.—The non-Federal share of such costs may be in cash or in kind, fairly evaluated, including personnel, plant, equipment, and services.

[(B) SPECIAL RULE.—Not less than 15 percent of the non-Federal share of such costs shall be provided from private or nonprofit sources.

[(k) EVALUATION.—The Secretary shall require a thorough evaluation of the programs assisted under this section, which shall include an assessment of the academic and social achievement of children assisted with funds provided under this section.

[(l) DEFINITIONS.—For purposes of this section—

[(1) the term “Secretary” means the Secretary of the Department of Education;

[(2) the term “local entity” means—

[(A) a local educational agency, or

[(B) a community-based organization as defined in section 1471(3) of the Elementary and Secondary Education Act of 1965;

[(3) the term “eligible community” means an area which meets criteria with respect to significant poverty and significant violent crime, and such additional criteria, as the Secretary may by regulation require; and

[(4) the term “public school” means an elementary school (as defined in section 1471(8) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2891(8))) and a secondary school (as defined in section 1471(21) of that Act).

[SEC. 30403. AUTHORIZATION OF APPROPRIATIONS.]

[(a) IN GENERAL.—There are authorized to be appropriated to carry out this subtitle—

[(1) \$37,000,000 for fiscal year 1995;

[(2) \$103,500,000 for fiscal year 1996;

[(3) \$121,500,000 for fiscal year 1997;

[(4) \$153,000,000 for fiscal year 1998;

[(5) \$193,500,000 for fiscal year 1999; and

[(6) \$201,500,000 for fiscal year 2000.

- [(b) PROGRAMS.—Of the amounts appropriated under subsection (a) for any fiscal year—
- [(1) 70 percent shall be made available to carry out section 30401; and
- [(2) 30 percent shall be made available to carry out section 30402.]

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[Subtitle J—Local Partnership Act

[SEC. 31001. ESTABLISHMENT OF PAYMENT PROGRAM.

[(a) ESTABLISHMENT OF PROGRAM.—Title 31, United States Code, is amended by inserting after chapter 65 the following new chapter:

[CHAPTER 67—FEDERAL PAYMENTS

- [Sec.
- [6701. Payments to local governments.
- [6702. Local Government Fiscal Assistance Fund.
- [6703. Qualification for payment.
- [6704. State area allocations; allocations and payments to territorial governments.
- [6705. Local government allocations.
- [6706. Income gap multiplier.
- [6707. State variation of local government allocations.
- [6708. Adjustments of local government allocations.
- [6709. Information used in allocation formulas.
- [6710. Public participation.
- [6711. Prohibited discrimination.
- [6712. Discrimination proceedings.
- [6713. Suspension and termination of payments in discrimination proceedings.
- [6714. Compliance agreements.
- [6715. Enforcement by the Attorney General of prohibitions on discrimination.
- [6716. Civil action by a person adversely affected.
- [6717. Judicial review.
- [6718. Investigations and reviews.
- [6719. Reports.
- [6720. Definitions, application, and administration.

[§6701. Payments to local governments

[(a) PAYMENT AND USE.—

[(1) PAYMENT.—The Secretary shall pay to each unit of general local government which qualifies for a payment under this chapter an amount equal to the sum of any amounts allocated to the government under this chapter for each payment period. The Secretary shall pay such amount out of the Local Government Fiscal Assistance Fund under section 6702.

[(2) USE.—Amounts paid to a unit of general local government under this section shall be used by that unit for carrying out one or more programs of the unit related to—

- [(A) education to prevent crime;
- [(B) substance abuse treatment to prevent crime; or
- [(C) job programs to prevent crime.

[(3) COORDINATION.—Programs funded under this title shall be coordinated with other existing Federal programs to meet the overall needs of communities that benefit from funds received under this section.

[(b) TIMING OF PAYMENTS.—The Secretary shall pay each amount allocated under this chapter to a unit of general local government for a payment period by the later of 90 days after the date the amount is available or the first day of the payment period provided that the unit of general local government has provided the Secretary with the assurances required by section 6703(d).

[(c) ADJUSTMENTS.—

[(1) IN GENERAL.—Subject to paragraph (2), the Secretary shall adjust a payment under this chapter to a unit of general local government to the extent that a prior payment to the government was more or less than the amount required to be paid.

[(2) CONSIDERATIONS.—The Secretary may increase or decrease under this subsection a payment to a unit of local government only if the Secretary determines the need for the increase or decrease, or the unit requests the increase or decrease, within one year after the end of the payment period for which the payment was made.

[(d) RESERVATION FOR ADJUSTMENTS.—The Secretary may reserve a percentage of not more than 2 percent of the amount under this section for a payment period for all units of general local government in a State if the Secretary considers the reserve is necessary to ensure the availability of sufficient amounts to pay adjustments after the final allocation of amounts among the units of general local government in the State.

[(e) REPAYMENT OF UNEXPENDED AMOUNTS.—

[(1) REPAYMENT REQUIRED.—A unit of general local government shall repay to the Secretary, by not later than 15 months after receipt from the Secretary, any amount that is—

[(A) paid to the unit from amounts appropriated under the authority of this section; and

[(B) not expended by the unit within one year after receipt from the Secretary.

[(2) PENALTY FOR FAILURE TO REPAY.—If the amount required to be repaid is not repaid, the Secretary shall reduce payments in future payment periods accordingly.

[(3) DEPOSIT OF AMOUNTS REPAID.—Amounts received by the Secretary as repayments under this subsection shall be deposited in the Local Government Fiscal Assistance Fund for future payments to units of general local government.

[(f) EXPENDITURE WITH DISADVANTAGED BUSINESS ENTERPRISES.—

[(1) GENERAL RULE.—Of amounts paid to a unit of general local government under this chapter for a payment period, not less than 10 percent of the total combined amounts obligated by the unit for contracts and subcontracts shall be expended with—

[(A) small business concerns controlled by socially and economically disadvantaged individuals and women; and

[(B) historically Black colleges and universities and colleges and universities having a student body in which more than 20 percent of the students are Hispanic Americans or Native Americans.

[(2) EXCEPTION.—Paragraph (1) shall not apply to amounts paid to a unit of general local government to the extent the

unit determines that the paragraph does not apply through a process that provides for public participation.

[(3) DEFINITIONS.—For purposes of this subsection—

[(A) the term ‘small business concern’ has the meaning such term has under section 3 of the Small Business Act; and

[(B) the term ‘socially and economically disadvantaged individuals’ has the meaning such term has under section 8(d) of the Small Business Act and relevant subcontracting regulations promulgated pursuant to that section.

[(g) NONSUPPLANTING REQUIREMENT.—

[(1) IN GENERAL.—Funds made available under this chapter to units of local government shall not be used to supplant State or local funds, but will be used to increase the amount of funds that would, in the absence of funds under this chapter, be made available from State or local sources.

[(2) BASE LEVEL AMOUNT.—The total level of funding available to a unit of local government for accounts serving eligible purposes under this chapter in the fiscal year immediately preceding receipt of a grant under this chapter shall be designated the ‘base level account’ for the fiscal year in which a grant is received. Grants under this chapter in a given fiscal year shall be reduced on a dollar for dollar basis to the extent that a unit of local government reduces its base level account in that fiscal year.

[(§6702. Local Government Fiscal Assistance Fund

[(a) ADMINISTRATION OF FUND.—The Department of the Treasury has a Local Government Fiscal Assistance Fund, which consists of amounts appropriated to the Fund.

[(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Fund—

[(1) \$270,000,000 for fiscal year 1996;

[(2) \$283,500,000 for fiscal year 1997;

[(3) \$355,500,000 for fiscal year 1998;

[(4) \$355,500,000 for fiscal year 1999; and

[(5) \$355,500,000 for fiscal year 2000.

Such sums are to remain available until expended.

[(c) ADMINISTRATIVE COSTS.—Up to 2.5 percent of the amount authorized to be appropriated under subsection (b) is authorized to be appropriated for the period fiscal year 1995 through fiscal year 2000 to be available for administrative costs by the Secretary in furtherance of the purposes of the program. Such sums are to remain available until expended.

[(§6703. Qualification for payment

[(a) IN GENERAL.—The Secretary shall issue regulations establishing procedures under which eligible units of general local government are required to provide notice to the Secretary of the units’ proposed use of assistance under this chapter. Subject to subsection (c), the assistance provided shall be used, in amounts determined by the unit, for activities under, or for activities that are substantially similar to an activity under, 1 or more of the follow-

ing programs and the notice shall identify 1 or more of the following programs for each such use:

[(1) The Drug Abuse Resistance Education Program under section 5122 of the Elementary and Secondary Education Act of 1965.

[(2) The National Youth Sports Program under section 682 of the Community Services Block Grant Act (Public Law 97-35) as amended by section 205, Public Law 103-252.

[(3) The Gang Resistance Education and Training Program under the Act entitled 'An Act making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1991, and for other purposes', approved November 5, 1990 (Public Law 101-509).

[(4) Programs under title II or IV of the Job Training Partnership Act (29 U.S.C. 1601 et seq.).

[(5) Programs under subtitle C of title I of the National and Community Service Act of 1990 (42 U.S.C. 12571 et seq.), as amended.

[(6) Programs under the School to Work Opportunities Act (Public Law 103-239).

[(7) Substance Abuse Treatment and Prevention programs authorized under title V or XIX of the Public Health Services Act (43 U.S.C. 201 et seq.).

[(8) Programs under the Head Start Act (42 U.S.C. 9831 et seq.).

[(9) Programs under part A or B of chapter 1 of title I of the Elementary and Secondary Education Act of 1965.

[(10) The TRIO programs under part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.).

[(11) Programs under the National Literacy Act of 1991.

[(12) Programs under the Carl Perkins Vocational Educational and Applied Technology Education Act (20 U.S.C. 2301 et seq.).

[(13) The demonstration partnership programs including the community initiative targeted to minority youth under section 203 of the Human Services Reauthorization Act of 1994 (Public Law 103-252).

[(14) The runaway and homeless youth program and the transitional living program for homeless youth under title III of the Juvenile Justice and Delinquency Prevention Act (Public Law 102-586).

[(15) The family support program under subtitle F of title VII of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 1148 et seq.).

[(16) After-school activities for school aged children under the Child Care and Development Block Grant Act (42 U.S.C. 9858 et seq.).

[(17) The community-based family resource programs under section 401 of the Human Services Reauthorization Act of 1994 (Public Law 103-252).

[(18) The family violence programs under the Child Abuse Prevention and Treatment Act Amendments of 1984.

[(19) Job training programs administered by the Department of Agriculture, the Department of Defense, or the Department of Housing and Urban Development.

[(b) NOTICE TO AGENCY.—Upon receipt of notice under subsection (a) from an eligible unit of general local government, the Secretary shall notify the head of the appropriate Federal agency for each program listed in subsection (a) that is identified in the notice as a program under which an activity will be conducted with assistance under this chapter. The notification shall state that the unit has elected to use some or all of its assistance under this chapter for activities under that program. The head of a Federal agency that receives such a notification shall ensure that such use is in compliance with the laws and regulations applicable to that program, except that any requirement to provide matching funds shall not apply to that use.

[(c) ALTERNATIVE USES OF FUNDS.—

[(1) ALTERNATIVE USES AUTHORIZED.—In lieu of, or in addition to, use for an activity described in subsection (a) and notice for that use under subsection (a), an eligible unit of general local government may use assistance under this chapter, and shall provide notice of that use to the Secretary under subsection (a), for any other activity that is consistent with 1 or more of the purposes described in section 6701(a)(2).

[(2) NOTICE DEEMED TO DESCRIBE CONSISTENT USE.—Notice by a unit of general local government that it intends to use assistance under this chapter for an activity other than an activity described in subsection (a) is deemed to describe an activity that is consistent with 1 or more of the purposes described in section 6701(a)(2) unless the Secretary provides to the unit, within 30 days after receipt of that notice of intent from the unit, written notice (including an explanation) that the use is not consistent with those purposes.

[(d) GENERAL REQUIREMENTS FOR QUALIFICATION.—A unit of general local government qualifies for a payment under this chapter for a payment period only after establishing to the satisfaction of the Secretary that—

[(1) the government will establish a trust fund in which the government will deposit all payments received under this chapter;

[(2) the government will use amounts in the trust fund (including interest) during a reasonable period;

[(3) the government will expend the payments so received, in accordance with the laws and procedures that are applicable to the expenditure of revenues of the government;

[(4) if at least 25 percent of the pay of individuals employed by the government in a public employee occupation is paid out of the trust fund, individuals in the occupation any part of whose pay is paid out of the trust fund will receive pay at least equal to the prevailing rate of pay for individuals employed in similar public employee occupations by the government;

[(5) all laborers and mechanics employed by contractors or subcontractors in the performance of any contract and subcontract for the repair, renovation, alteration, or construction, including painting and decorating, of any building or work that

is financed in whole or in part by a grant under this title, shall be paid wages not less than those determined by the Secretary of Labor in accordance with the Act of March 3, 1931 (commonly known as the Davis-Bacon Act); as amended (40 U.S.C. 276a–276a–5). The Secretary of Labor shall have the authority and functions set forth in Reorganization Plan No. 14 of 1950 (15 FR 3176; 64 Stat. 1267) and section 2 of the Act of June 1, 1934 (commonly known as the Copeland Anti-Kickback Act), as amended (40 U.S.C. 276c, 48 Stat. 948);

[(6) the government will use accounting, audit, and fiscal procedures that conform to guidelines which shall be prescribed by the Secretary after consultation with the Comptroller General of the United States. As applicable, amounts received under this chapter shall be audited in compliance with the Single Audit Act of 1984;

[(7) after reasonable notice to the government, the government will make available to the Secretary and the Comptroller General of the United States, with the right to inspect, records the Secretary reasonably requires to review compliance with this chapter or the Comptroller General of the United States reasonably requires to review compliance and operations under section 6718(b);

[(8) the government will make reports the Secretary reasonably requires, in addition to the annual reports required under section 6719(b); and

[(9) the government will spend the funds only for the purposes set forth in section 6701(a)(2).

[(e) REVIEW BY GOVERNORS.—A unit of general local government shall give the chief executive officer of the State in which the government is located an opportunity for review and comment before establishing compliance with subsection (d).

[(f) SANCTIONS FOR NONCOMPLIANCE.—

[(1) IN GENERAL.—If the Secretary decides that a unit of general local government has not complied substantially with subsection (d) or regulations prescribed under subsection (d), the Secretary shall notify the government. The notice shall state that if the government does not take corrective action by the 60th day after the date the government receives the notice, the Secretary will withhold additional payments to the government for the current payment period and later payment periods until the Secretary is satisfied that the government—

[(A) has taken the appropriate corrective action; and

[(B) will comply with subsection (d) and regulations prescribed under subsection (d).

[(2) NOTICE.—Before giving notice under paragraph (1), the Secretary shall give the chief executive officer of the unit of general local government reasonable notice and an opportunity for comment.

[(3) PAYMENT CONDITIONS.—The Secretary may make a payment to a unit of general local government notified under paragraph (1) only if the Secretary is satisfied that the government—

[(A) has taken the appropriate corrective action; and

[(B) will comply with subsection (d) and regulations prescribed under subsection (d).

[§6704. State area allocations; allocations and payments to territorial governments

[(a) **FORMULA ALLOCATION BY STATE.**—For each payment period, the Secretary shall allocate to each State out of the amount appropriated for the period under the authority of section 6702(b) (minus the amounts allocated to territorial governments under subsection (e) for the payment period) an amount bearing the same ratio to the amount appropriated (minus such amounts allocated under subsection (e)) as the amount allocated to the State under this section bears to the total amount allocated to all States under this section. The Secretary shall—

[(1) determine the amount allocated to the State under subsection (b) or (c) of this section and allocate the larger amount to the State; and

[(2) allocate the amount allocated to the State to units of general local government in the State under sections 6705 and 6706.

[(b) **GENERAL FORMULA.**—

[(1) **IN GENERAL.**—For the payment period beginning October 1, 1994, the amount allocated to a State under this subsection for a payment period is the amount bearing the same ratio to \$5,300,000,000 as—

[(A) the population of the State, multiplied by the general tax effort factor of the State (determined under paragraph (2)), multiplied by the relative income factor of the State (determined under paragraph (3)), multiplied by the relative rate of the labor force unemployed in the State (determined under paragraph (4)); bears to

[(B) the sum of the products determined under subparagraph (A) of this paragraph for all States.

[(2) **GENERAL TAX EFFORT FACTOR.**—The general tax effort factor of a State for a payment period is—

[(A) the net amount of State and local taxes of the State collected during the year 1991 as reported by the Bureau of the Census in the publication *Government Finances 1990–1991*; divided by

[(B) the total income of individuals, as determined by the Secretary of Commerce for national accounts purposes for 1992 as reported in the publication *Survey of Current Business* (August 1993), attributed to the State for the same year.

[(3) **RELATIVE INCOME FACTOR.**—The relative income factor of a State is a fraction in which—

[(A) the numerator is the per capita income of the United States; and

[(B) the denominator is the per capita income of the State.

[(4) **RELATIVE RATE OF LABOR FORCE.**—The relative rate of the labor force unemployed in a State is a fraction in which—

[(A) the numerator is the percentage of the labor force of the State that is unemployed in the calendar year pre-

ceding the payment period (as determined by the Secretary of Labor for general statistical purposes); and

[(B) the denominator is the percentage of the labor force of the United States that is unemployed in the calendar year preceding the payment period (as determined by the Secretary of Labor for general statistical purposes).

[(c) ALTERNATIVE FORMULA.—For the payment period beginning October 1, 1994, the amount allocated to a State under this subsection for a payment period is the total amount the State would receive if—

[(1) \$1,166,666,667 were allocated among the States on the basis of population by allocating to each State an amount bearing the same ratio to the total amount to be allocated under this paragraph as the population of the State bears to the population of all States;

[(2) \$1,166,666,667 were allocated among the States on the basis of population inversely weighted for per capita income, by allocating to each State an amount bearing the same ratio to the total amount to be allocated under this paragraph as—

[(A) the population of the State, multiplied by a fraction in which—

[(i) the numerator is the per capita income of all States; and

[(ii) the denominator is the per capita income of the State; bears to

[(B) the sum of the products determined under subparagraph (A) for all States;

[(3) \$600,000,000 were allocated among the States on the basis of income tax collections by allocating to each State an amount bearing the same ratio to the total amount to be allocated under this paragraph as the income tax amount of the State (determined under subsection (d)(1)) bears to the sum of the income tax amounts of all States;

[(4) \$600,000,000 were allocated among the States on the basis of general tax effort by allocating to each State an amount bearing the same ratio to the total amount to be allocated under this paragraph as the general tax effort amount of the State (determined under subsection (d)(2)) bears to the sum of the general tax effort amounts of all States;

[(5) \$600,000,000 were allocated among the States on the basis of unemployment by allocating to each State an amount bearing the same ratio to the total amount to be allocated under this paragraph as—

[(A) the labor force of the State, multiplied by a fraction in which—

[(i) the numerator is the percentage of the labor force of the State that is unemployed in the calendar year preceding the payment period (as determined by the Secretary of Labor for general statistical purposes); and

[(ii) the denominator is the percentage of the labor force of the United States that is unemployed in the calendar year preceding the payment period (as deter-

mined by the Secretary of Labor for general statistical purposes)

bears to

[(B) the sum of the products determined under subparagraph (A) for all States; and

[(6) \$1,166,666,667 were allocated among the States on the basis of urbanized population by allocating to each State an amount bearing the same ratio to the total amount to be allocated under this paragraph as the urbanized population of the State bears to the urbanized population of all States. In this paragraph, the term 'urbanized population' means the population of an area consisting of a central city or cities of at least 50,000 inhabitants and the surrounding closely settled area for the city or cities considered as an urbanized area as published by the Bureau of the Census for 1990 in the publication General Population Characteristics for Urbanized Areas.

[(d) INCOME TAX AMOUNT AND TAX EFFORT AMOUNT.—

[(1) INCOME TAX AMOUNT.—The income tax amount of a State for a payment period is 15 percent of the net amount collected during the calendar year ending before the beginning of the payment period from the tax imposed on the income of individuals by the State and described as a State income tax under section 164(a)(3) of the Internal Revenue Code of 1986 (26 U.S.C. 164(a)(3)). The income tax amount for a payment period shall be at least 1 percent but not more than 6 percent of the United States Government individual income tax liability attributed to the State for the taxable year ending during the last calendar year ending before the beginning of the payment period. The Secretary shall determine the Government income tax liability attributed to the State by using the data published by the Secretary for 1991 in the publication Statistics of Income Bulletin (Winter 1993–1994).

[(2) GENERAL TAX EFFORT AMOUNT.—The general tax effort amount of a State for a payment period is the amount determined by multiplying—

[(A) the net amount of State and local taxes of the State collected during the year 1991 as reported in the Bureau of Census in the publication Government Finances 1990–1991; and

[(B) the general tax effort factor of the State determined under subsection (b)(2).

[(e) ALLOCATION FOR PUERTO RICO, GUAM, AMERICAN SAMOA, AND THE VIRGIN ISLANDS.—

[(1) IN GENERAL.—(A) For each payment period for which funds are available for allocation under this chapter, the Secretary shall allocate to each territorial government an amount equal to the product of 1 percent of the amount of funds available for allocation multiplied by the applicable territorial percentage.

[(B) For the purposes of this paragraph, the applicable territorial percentage of a territory is equal to the quotient resulting from the division of the territorial population of such territory by the sum of the territorial population for all territories.

[(2) PAYMENTS TO LOCAL GOVERNMENTS.—The governments of the territories shall make payments to local governments within their jurisdiction from sums received under this subsection as they consider appropriate.

[(3) DEFINITIONS.—For purposes of this subsection—

[(A) the term 'territorial government' means the government of a territory;

[(B) the term 'territory' means Puerto Rico, Guam, American Samoa, and the Virgin Islands; and

[(C) the term 'territorial population' means the most recent population for each territory as determined by the Bureau of Census.

[§6705. Local government allocations

[(a) INDIAN TRIBES AND ALASKAN NATIVES VILLAGES.—If there is in a State an Indian tribe or Alaskan native village having a recognized governing body carrying out substantial governmental duties and powers, the Secretary shall allocate to the tribe or village, out of the amount allocated to the State under section 6704, an amount bearing the same ratio to the amount allocated to the State as the population of the tribe or village bears to the population of the State. The Secretary shall allocate amounts under this subsection to Indian tribes and Alaskan native villages in a State before allocating amounts to units of general local government in the State under subsection (c). For the payment period beginning October 1, 1994, the Secretary shall use as the population of each Indian tribe or Alaskan native village the population for 1991 as reported by the Bureau of Indian Affairs in the publication Indian Service Population and Labor Force Estimates (January 1991). In addition to uses authorized under section 6701(a)(2), amounts allocated under this subsection and paid to an Indian tribe or Alaskan native village under this chapter may be used for renovating or building prisons or other correctional facilities.

[(b) NEWLY INCORPORATED LOCAL GOVERNMENTS AND ANNEXED GOVERNMENTS.—If there is in a State a unit of general local government that has been incorporated since the date of the collection of the data used by the Secretary in making allocations pursuant to sections 6704 through 6706 and 6708, the Secretary shall allocate to this newly incorporated local government, out of the amount allocated to the State under section 6704, an amount bearing the same ratio to the amount allocated to the State as the population of the newly incorporated local government bears to the population of the State. If there is in the State a unit of general local government that has been annexed since the date of the collection of the data used by the Secretary in making allocations pursuant to sections 6704 through 6706 and 6708, the Secretary shall pay the amount that would have been allocated to this local government to the unit of general local government that annexed it.

[(c) OTHER LOCAL GOVERNMENT ALLOCATIONS.—

[(1) IN GENERAL.—The Secretary shall allocate among the units of general local government in a State (other than units receiving allocations under subsection (a)) the amount allocated to the State under section 6704 (as that amount is reduced by allocations under subsection (a)). Of the amount to be

allocated, the Secretary shall allocate a portion equal to $\frac{1}{2}$ of such amount in accordance with section 6706(1), and shall allocate a portion equal to $\frac{1}{2}$ of such amount in accordance with section 6706(2). A unit of general local government shall receive an amount equal to the sum of amounts allocated to the unit from each portion.

[(2) **RATIO.**—From each portion to be allocated to units of local government in a State under paragraph (1), the Secretary shall allocate to a unit an amount bearing the same ratio to the funds to be allocated as—

[(A) the population of the unit, multiplied by the general tax effort factor of the unit (determined under paragraph (3)), multiplied by the income gap of the unit (determined under paragraph (4)), bears to

[(B) the sum of the products determined under subparagraph (A) for all units in the State for which the income gap for that portion under paragraph (4) is greater than zero.

[(3) **GENERAL TAX EFFORT FACTOR.**—(A) Except as provided in subparagraph (C), the general tax effort factor of a unit of general local government for a payment period is—

[(i) the adjusted taxes of the unit; divided by

[(ii) the total income attributed to the unit.

[(B) If the amount determined under subparagraphs (A) (i) and (ii) for a unit of general local government is less than zero, the general tax effort factor of the unit is deemed to be zero.

[(C)(i) Except as otherwise provided in this subparagraph, for the payment period beginning October 1, 1994, the adjusted taxes of a unit of general local government are the taxes imposed by the unit for public purposes (except employee and employer assessments and contributions to finance retirement and social insurance systems and other special assessments for capital outlay), as determined by the Bureau of the Census for the 1987 Census of Governments and adjusted as follows:

[(I) Adjusted taxes equals total taxes times a fraction in which the numerator is the sum of unrestricted revenues and revenues dedicated for spending on education minus total education spending and the denominator is total unrestricted revenues.

[(II) Total taxes is the sum of property tax; general sales tax; alcoholic beverage tax; amusement tax; insurance premium tax; motor fuels tax; parimutuels tax; public utilities tax; tobacco tax; other selective sales tax; alcoholic beverage licenses, amusement licenses; corporation licenses, hunting and fishing licenses; motor vehicle licenses; motor vehicle operator licenses; public utility licenses; occupation and business licenses, not elsewhere classified; other licenses, individual income tax; corporation net income tax; death and gift tax; documentary and stock transfer tax; severance tax; and taxes not elsewhere classified.

[(III) Unrestricted revenues is the sum of total taxes and intergovernmental revenue from Federal Government, general revenue sharing; intergovernmental revenue from Federal Government, other general support; intergovern-

mental revenue from Federal Government, other; intergovernmental revenue from State government, other general support; intergovernmental revenue from State government, other; intergovernmental revenue from local governments, other general support; intergovernmental revenue from local governments, other; miscellaneous general revenue, property sale-housing and community development; miscellaneous general revenue, property sale-other property; miscellaneous general revenue, interest earnings on investments; miscellaneous general revenue, fines and forfeits; miscellaneous general revenue, rents; miscellaneous general revenues, royalties; miscellaneous general revenue, donations from private sources; miscellaneous general revenue, net lottery revenue (after prizes and administrative expenses); miscellaneous general revenue, other miscellaneous general revenue; and all other general charges, not elsewhere classified.

[(IV) Revenues dedicated for spending on education is the sum of elementary and secondary education, school lunch; elementary and secondary education, tuition; elementary and secondary education, other; higher education, auxiliary enterprises; higher education, other; other education, not elsewhere classified; intergovernmental revenue from Federal Government, education; intergovernmental revenue from State government, education; intergovernmental revenue from local governments, interschool system revenue; intergovernmental revenue from local governments, education; interest earnings, higher education; interest earnings, elementary and secondary education; miscellaneous revenues, higher education; and miscellaneous revenues, elementary and secondary education.

[(V) Total education spending is the sum of elementary and secondary education, current operations; elementary and secondary education, construction; elementary and secondary education, other capital outlays; elementary and secondary education, to State governments; elementary and secondary education, to local governments, not elsewhere classified; elementary and secondary education, to counties; elementary and secondary education, to municipalities; elementary and secondary education, to townships; elementary and secondary education, to school districts; elementary and secondary education, to special districts; higher education-auxiliary enterprises, current operations; higher education-auxiliary enterprises, construction; higher education, auxiliary enterprises, other capital outlays; other higher education, current operations; other higher education, construction; other higher education, other capital outlays; other higher education, to State government; other higher education, to local governments, not elsewhere classified; other higher education, to counties; other higher education, to municipalities; other higher education, to townships; other higher education, to school districts; other higher education, to special districts; education assistance and subsidies; education, not elsewhere

classified, current operations; education, not elsewhere classified, construction education, not elsewhere classified, other capital outlays; education, not elsewhere classified, to State government; education, not elsewhere classified, to local governments, not elsewhere classified; education, not elsewhere classified, to counties; education, not elsewhere classified, to municipalities; education, not elsewhere classified, to townships; education, not elsewhere classified, to school districts; education, not elsewhere classified, to special districts; and education, not elsewhere classified, to Federal Government.

[(VI) If the amount of adjusted taxes is less than zero, the amount of adjusted tax shall be deemed to be zero.

[(VII) If the amount of adjusted taxes exceeds the amount of total taxes, the amount of adjusted taxes is deemed to equal the amount of total taxes.

[(ii) The Secretary shall, for purposes of clause (i), include that part of sales taxes transferred to a unit of general local government that are imposed by a county government in the geographic area of which is located the unit of general local government as taxes imposed by the unit for public purposes if—

[(I) the county government transfers any part of the revenue from the taxes to the unit of general local government without specifying the purpose for which the unit of general local government may expend the revenue; and

[(II) the chief executive officer of the State notifies the Secretary that the taxes satisfy the requirements of this clause.

[(iii) The adjusted taxes of a unit of general local government shall not exceed the maximum allowable adjusted taxes for that unit.

[(iv) The maximum allowable adjusted taxes for a unit of general local government is the allowable adjusted taxes of the unit minus the excess adjusted taxes of the unit.

[(v) The allowable adjusted taxes of a unit of general government is the greater of—

[(I) the amount equal to 2.5, multiplied by the per capita adjusted taxes of all units of general local government of the same type in the State, multiplied by the population of the unit; or

[(II) the amount equal to the population of the unit, multiplied by the sum of the adjusted taxes of all units of municipal local government in the State, divided by the sum of the populations of all the units of municipal local government in the State.

[(vi) The excess adjusted taxes of a unit of general local government is the amount equal to—

[(I) the adjusted taxes of the unit, minus

[(II) 1.5 multiplied by the allowable adjusted taxes of the unit;

except that if this amount is less than zero then the excess adjusted taxes of the unit is deemed to be zero.

[(vii) For purposes of this subparagraph—

[(I) the term 'per capita adjusted taxes of all units of general local government of the same type' means the sum of the adjusted taxes of all units of general local government of the same type divided by the sum of the populations of all units of general local government of the same type; and

[(II) the term 'units of general local government of the same type' means all townships if the unit of general local government is a township, all municipalities if the unit of general local government is a municipality, all counties if the unit of general local government is a county, or all unified city/county governments if the unit of general local government is a unified city/county government.

[(4) INCOME GAP.—(A) Except as provided in subparagraph (B), the income gap of a unit of general local government is—

[(i) the number which applies under section 6706, multiplied by the per capita income of the State in which the unit is located; minus

[(ii) the per capita income of the geographic area of the unit.

[(B) If the amount determined under subparagraph (A) for a unit of general local government is less than zero, then the relative income factor of the unit is deemed to be zero.

[(d) SMALL GOVERNMENT ALLOCATIONS.—If the Secretary decides that information available for a unit of general local government with a population below a number (of not more than 500) prescribed by the Secretary is inadequate, the Secretary may allocate to the unit, in lieu of any allocation under subsection (b) for a payment period, an amount bearing the same ratio to the total amount to be allocated under subsection (b) for the period for all units of general local government in the State as the population of the unit bears to the population of all units in the State.

[(§ 6706. Income gap multiplier

[(For purposes of determining the income gap of a unit of general local government under section 6705(b)(4)(A), the number which applies is—

[(1) 1.6, with respect to $\frac{1}{2}$ of any amount allocated under section 6704 to the State in which the unit is located; and

[(2) 1.2, with respect to the remainder of such amount.

[(§ 6707. State variation of local government allocations

[(a) STATE FORMULA.—A State government may provide by law for the allocation of amounts among units of general local government in the State on the basis of population multiplied by the general tax effort factors or income gaps of the units of general local government determined under sections 6705 (a) and (b) or a combination of those factors. A State government providing for a variation of an allocation formula provided under sections 6705 (a) and (b) shall notify the Secretary of the variation by the 30th day before the beginning of the first payment period in which the variation applies. A variation shall—

[(1) provide for allocating the total amount allocated under sections 6705 (a) and (b); and

[(2) apply uniformly in the State.

[(b) CERTIFICATION.—A variation by a State government under this section may apply only if the Secretary certifies that the variation complies with this section. The Secretary may certify a variation only if the Secretary is notified of the variation at least 30 days before the first payment period in which the variation applies.

§6708. Adjustments of local government allocations

[(a) MAXIMUM AMOUNT.—The amount allocated to a unit of general local government for a payment period may not exceed the adjusted taxes imposed by the unit of general local government as determined under section 6705(b)(3). Amounts in excess of adjusted taxes shall be paid to the Governor of the State in which the unit of local government is located.

[(b) DE MINIMIS ALLOCATIONS TO UNITS OF GENERAL LOCAL GOVERNMENT.—If the amount allocated to a unit of general local government (except an Indian tribe or an Alaskan native village) for a payment period would be less than \$5,000 but for this subsection or is waived by the governing authority of the unit of general local government, the Secretary shall pay the amount to the Governor of the State in which the unit is located.

[(c) USE OF PAYMENTS TO STATES.—The Governor of a State shall use all amounts paid to the Governor under subsections (a) and (b) for programs described in section 6701(a)(2) in areas of the State where are located the units of general local government with respect to which amounts are paid under subsection (b).

[(d) DE MINIMIS ALLOCATIONS TO INDIAN TRIBES AND ALASKAN NATIVE VILLAGES.—

[(1) AGGREGATION OF DE MINIMIS ALLOCATIONS.—If the amount allocated to an Indian tribe or an Alaskan native village for a payment period would be less than \$5,000 but for this subsection or is waived by the chief elected official of the tribe or village, the amount—

[(A) shall not be paid to the tribe or village (except under paragraph (2)); and

[(B) shall be aggregated with other such amounts and available for use by the Attorney General under paragraph (2).

[(2) USE OF AGGREGATED AMOUNTS.—Amounts aggregated under paragraph (1) for a payment period shall be available for use by the Attorney General to make grants in the payment period on a competitive basis to Indian Tribes and Alaskan native village for—

[(A) programs described in section 6701(a)(2); or

[(B) renovating or building prisons or other correctional facilities.

§6709. Information used in allocation formulas

[(a) POPULATION DATA FOR PAYMENT PERIOD BEGINNING OCTOBER 1, 1994.—For the payment period beginning October 1, 1994, the Secretary, in making allocations pursuant to sections 6704 through 6706 and 6708, shall use for the population of the States the population for 1992 as reported by the Bureau of the Census in the publication Current Population Reports, Series P-25, No.

1045 (July 1992) and for the population of units of general local government the Secretary shall use the population for 1990 as reported by the Bureau of the Census in the publication Summary Social, Economic, and Housing Characteristics.

[(b) DATA FOR PAYMENT PERIODS BEGINNING AFTER SEPTEMBER 30, 1995.—For any payment period beginning after September 30, 1995, the Secretary, in making allocations pursuant to sections 6704 through 6706 and 6708, shall use information more recent than the information used for the payment period beginning October 1, 1994, provided the Secretary notifies the Committee on Government Operations of the House of Representatives at least 90 days prior to the beginning of the payment period that the Secretary has determined that the more recent information is more reliable than the information used for the payment period beginning October 1, 1994.]

[(§6710. Public participation

[(a) HEARINGS.—

[(1) IN GENERAL.—A unit of general local government expending payments under this chapter shall hold at least one public hearing on the proposed use of the payment in relation to its entire budget. At the hearing, persons shall be given an opportunity to provide written and oral views to the governmental authority responsible for enacting the budget and to ask questions about the entire budget and the relation of the payment to the entire budget. The government shall hold the hearing at a time and a place that allows and encourages public attendance and participation.]

[(2) SENIOR CITIZENS.—A unit of general local government holding a hearing required under this subsection or by the budget process of the government shall try to provide senior citizens and senior citizen organizations with an opportunity to present views at the hearing before the government makes a final decision on the use of the payment.]

[(b) DISCLOSURE OF INFORMATION.—

[(1) IN GENERAL.—By the 10th day before a hearing required under subsection (a)(1) is held, a unit of general local government shall—

[(A) make available for inspection by the public at the principal office of the government a statement of the proposed use of the payment and a summary of the proposed budget of the government; and

[(B) publish in at least one newspaper of general circulation the proposed use of the payment with the summary of the proposed budget and a notice of the time and place of the hearing.]

[(2) AVAILABILITY.—By the 30th day after adoption of the budget under State or local law, the government shall—

[(A) make available for inspection by the public at the principal office of the government a summary of the adopted budget, including the proposed use of the payment; and

[(B) publish in at least one newspaper of general circulation a notice that the information referred to in subparagraph (A) is available for inspection.]

[(c) **WAIVERS OF REQUIREMENTS.**—A requirement—

[(1) under subsection (a)(1) may be waived if the budget process required under the applicable State or local law or charter provisions—

[(A) ensures the opportunity for public attendance and participation contemplated by subsection (a); and

[(B) includes a hearing on the proposed use of a payment received under this chapter in relation to the entire budget of the government; and

[(2) under subsection (b)(1)(B) and paragraph (2)(B) may be waived if the cost of publishing the information would be unreasonably burdensome in relation to the amount allocated to the government from amounts available for payment under this chapter, or if publication is otherwise impracticable.

[(d) **EXCEPTION TO 10-DAY LIMITATION.**—If the Secretary is satisfied that a unit of general local government will provide adequate notice of the proposed use of a payment received under this chapter, the 10-day period under subsection (b)(1) may be changed to the extent necessary to comply with applicable State or local law.

§6711. Prohibited discrimination

[(a) **GENERAL PROHIBITION.**—No person in the United States shall be excluded from participating in, be denied the benefits of, or be subject to discrimination under, a program or activity of a unit of general local government because of race, color, national origin, or sex if the government receives a payment under this chapter.

[(b) **ADDITIONAL PROHIBITIONS.**—The following prohibitions and exemptions also apply to a program or activity of a unit of general local government if the government receives a payment under this chapter:

[(1) A prohibition against discrimination because of age under the Age Discrimination Act of 1975.

[(2) A prohibition against discrimination against an otherwise qualified handicapped individual under section 504 of the Rehabilitation Act of 1973.

[(3) A prohibition against discrimination because of religion, or an exemption from that prohibition, under the Civil Rights Act of 1964 or title VIII of the Act of April 11, 1968 (popularly known as the Civil Rights Act of 1968).

[(c) **LIMITATIONS ON APPLICABILITY OF PROHIBITIONS.**—Subsections (a) and (b) do not apply if the government shows, by clear and convincing evidence, that a payment received under this chapter is not used to pay for any part of the program or activity with respect to which the allegation of discrimination is made.

[(d) **INVESTIGATION AGREEMENTS.**—The Secretary shall try to make agreements with heads of agencies of the United States Government and State agencies to investigate noncompliance with this section. An agreement shall—

[(1) describe the cooperative efforts to be taken (including sharing civil rights enforcement personnel and resources) to obtain compliance with this section; and

[(2) provide for notifying immediately the Secretary of actions brought by the United States Government or State agen-

cies against a unit of general local government alleging a violation of a civil rights law or a regulation prescribed under a civil rights law.

[§6712. Discrimination proceedings

[(a) NOTICE OF NONCOMPLIANCE.—By the 10th day after the Secretary makes a finding of discrimination or receives a holding of discrimination about a unit of general local government, the Secretary shall submit a notice of noncompliance to the government. The notice shall state the basis of the finding or holding.

[(b) INFORMAL PRESENTATION OF EVIDENCE.—A unit of general local government may present evidence informally to the Secretary within 30 days after the government receives a notice of noncompliance from the Secretary. Except as provided in subsection (e), the government may present evidence on whether—

[(1) a person in the United States has been excluded or denied benefits of, or discriminated against under, the program or activity of the government, in violation of section 6711(a);

[(2) the program or activity of the government violated a prohibition described in section 6711(b); and

[(3) any part of that program or activity has been paid for with a payment received under this chapter.

[(c) TEMPORARY SUSPENSION OF PAYMENTS.—By the end of the 30-day period under subsection (b), the Secretary shall decide whether the unit of general local government has not complied with section 6711 (a) or (b), unless the government has entered into a compliance agreement under section 6714. If the Secretary decides that the government has not complied, the Secretary shall notify the government of the decision and shall suspend payments to the government under this chapter unless, within 10 days after the government receives notice of the decision, the government—

[(1) enters into a compliance agreement under section 6714; or

[(2) requests a proceeding under subsection (d)(1).

[(d) ADMINISTRATIVE REVIEW OF SUSPENSIONS.—

[(1) PROCEEDING.—A proceeding requested under subsection (c)(2) shall begin by the 30th day after the Secretary receives a request for the proceeding. The proceeding shall be before an administrative law judge appointed under section 3105 of title 5, United States Code. By the 30th day after the beginning of the proceeding, the judge shall issue a preliminary decision based on the record at the time on whether the unit of general local government is likely to prevail in showing compliance with section 6711 (a) or (b).

[(2) DECISION.—If the administrative law judge decides at the end of a proceeding under paragraph (1) that the unit of general local government has—

[(A) not complied with section 6711 (a) or (b), the judge may order payments to the government under this chapter terminated; or

[(B) complied with section 6711 (a) or (b), a suspension under section 6713(a)(1)(A) shall be discontinued promptly.

[(3) LIKELIHOOD OF PREVAILING.—An administrative law judge may not issue a preliminary decision that the govern-

ment is not likely to prevail if the judge has issued a decision described in paragraph (2)(A).

[(e) BASIS FOR REVIEW.—In a proceeding under subsections (b) through (d) on a program or activity of a unit of general local government about which a holding of discrimination has been made, the Secretary or administrative law judge may consider only whether a payment under this chapter was used to pay for any part of the program or activity. The holding of discrimination is conclusive. If the holding is reversed by an appellate court, the Secretary or judge shall end the proceeding.

[§6713. Suspension and termination of payments in discrimination proceedings

[(a) IMPOSITION AND CONTINUATION OF SUSPENSIONS.—

[(1) IN GENERAL.—The Secretary shall suspend payment under this chapter to a unit of general local government—

[(A) if an administrative law judge appointed under section 3105 of title 5, United States Code, issues a preliminary decision in a proceeding under section 6712(d)(1) that the government is not likely to prevail in showing compliance with section 6711 (a) and (b);

[(B) if the administrative law judge decides at the end of the proceeding that the government has not complied with section 6711 (a) or (b), unless the government makes a compliance agreement under section 6714 by the 30th day after the decision; or

[(C) if required under section 6712(c).

[(2) EFFECTIVENESS.—A suspension already ordered under paragraph (1)(A) continues in effect if the administrative law judge makes a decision under paragraph (1)(B).

[(b) LIFTING OF SUSPENSIONS AND TERMINATIONS.—If a holding of discrimination is reversed by an appellate court, a suspension or termination of payments in a proceeding based on the holding shall be discontinued.

[(c) RESUMPTION OF PAYMENTS UPON ATTAINING COMPLIANCE.—The Secretary may resume payment to a unit of general local government of payments suspended by the Secretary only—

[(1) as of the time of, and under the conditions stated in—

[(A) the approval by the Secretary of a compliance agreement under section 6714(a)(1); or

[(B) a compliance agreement entered into by the Secretary under section 6714(a)(2);

[(2) if the government complies completely with an order of a United States court, a State court, or administrative law judge that covers all matters raised in a notice of noncompliance submitted by the Secretary under section 6712(a);

[(3) if a United States court, a State court, or an administrative law judge decides (including a judge in a proceeding under section 6712(d)(1)), that the government has complied with sections 6711 (a) and (b); or

[(4) if a suspension is discontinued under subsection (b).

[(d) PAYMENT OF DAMAGES AS COMPLIANCE.—For purposes of subsection (c)(2), compliance by a government may consist of the

payment of restitution to a person injured because the government did not comply with section 6711 (a) or (b).

[(e) RESUMPTION OF PAYMENTS UPON REVERSAL BY COURT.—The Secretary may resume payment to a unit of general local government of payments terminated under section 6712(d)(2)(A) only if the decision resulting in the termination is reversed by an appellate court.

[(§6714. Compliance agreements

[(a) TYPES OF COMPLIANCE AGREEMENTS.—A compliance agreement is an agreement—

[(1) approved by the Secretary, between the governmental authority responsible for prosecuting a claim or complaint that is the basis of a holding of discrimination and the chief executive officer of the unit of general local government that has not complied with section 6711 (a) or (b); or

[(2) between the Secretary and the chief executive officer.

[(b) CONTENTS OF AGREEMENTS.—A compliance agreement—

[(1) shall state the conditions the unit of general local government has agreed to comply with that would satisfy the obligations of the government under sections 6711 (a) and (b);

[(2) shall cover each matter that has been found not to comply, or would not comply, with section 6711 (a) or (b); and

[(3) may be a series of agreements that dispose of those matters.

[(c) AVAILABILITY OF AGREEMENTS TO PARTIES.—The Secretary shall submit a copy of a compliance agreement to each person who filed a complaint referred to in section 6716(b), or, if an agreement under subsection (a)(1), each person who filed a complaint with a governmental authority, about a failure to comply with section 6711 (a) or (b). The Secretary shall submit the copy by the 15th day after an agreement is made. However, if the Secretary approves an agreement under subsection (a)(1) after the agreement is made, the Secretary may submit the copy by the 15th day after approval of the agreement.

[(§6715. Enforcement by the Attorney General of prohibitions on discrimination

[(The Attorney General may bring a civil action in an appropriate district court of the United States against a unit of general local government that the Attorney General has reason to believe has engaged or is engaging in a pattern or practice in violation of section 6711 (a) or (b). The court may grant—

[(1) a temporary restraining order;

[(2) an injunction; or

[(3) an appropriate order to ensure enjoyment of rights under section 6711 (a) or (b), including an order suspending, terminating, or requiring repayment of, payments under this chapter or placing additional payments under this chapter in escrow pending the outcome of the action.

[(§6716. Civil action by a person adversely affected

[(a) AUTHORITY FOR PRIVATE SUITS IN FEDERAL OR STATE COURT.—If a unit of general local government, or an officer or em-

ployee of a unit of general local government acting in an official capacity, engages in a practice prohibited by this chapter, a person adversely affected by the practice may bring a civil action in an appropriate district court of the United States or a State court of general jurisdiction. Before bringing an action under this section, the person must exhaust administrative remedies under subsection (b).

[(b) ADMINISTRATIVE REMEDIES REQUIRED TO BE EXHAUSTED.—A person adversely affected shall file an administrative complaint with the Secretary or the head of another agency of the United States Government or the State agency with which the Secretary has an agreement under section 6711(d). Administrative remedies are deemed to be exhausted by the person after the 90th day after the complaint was filed if the Secretary, the head of the Government agency, or the State agency—

[(1) issues a decision that the government has not failed to comply with this chapter; or

[(2) does not issue a decision on the complaint.

[(c) AUTHORITY OF COURT.—In an action under this section, the court—

[(1) may grant—

[(A) a temporary restraining order;

[(B) an injunction; or

[(C) another order, including suspension, termination, or repayment of, payments under this chapter or placement of additional payments under this chapter in escrow pending the outcome of the action; and

[(2) to enforce compliance with section 6711 (a) or (b), may allow a prevailing party (except the United States Government) a reasonable attorney's fee.

[(d) INTERVENTION BY ATTORNEY GENERAL.—In an action under this section to enforce compliance with section 6711 (a) or (b), the Attorney General may intervene in the action if the Attorney General certifies that the action is of general public importance. The United States Government is entitled to the same relief as if the Government had brought the action and is liable for the same fees and costs as a private person.

[(§6717. Judicial review

[(a) APPEALS IN FEDERAL COURT OF APPEALS.—A unit of general local government which receives notice from the Secretary about withholding payments under section 6703(f), suspending payments under section 6713(a)(1)(B), or terminating payments under section 6712(d)(2)(A), may apply for review of the action of the Secretary by filing a petition for review with the court of appeals of the United States for the circuit in which the government is located. The petition shall be filed by the 60th day after the date the notice is received. The clerk of the court shall immediately send a copy of the petition to the Secretary.

[(b) FILING OF RECORD OF ADMINISTRATIVE PROCEEDING.—The Secretary shall file with the court a record of the proceeding on which the Secretary based the action. The court may consider only objections to the action of the Secretary that were presented before the Secretary.

[(c) COURT ACTION.—The court may affirm, change, or set aside any part of the action of the Secretary. The findings of fact by the Secretary are conclusive if supported by substantial evidence in the record. If a finding is not supported by substantial evidence in the record, the court may remand the case to the Secretary to take additional evidence. Upon such a remand, the Secretary may make new or modified findings and shall certify additional proceedings to the court.

[(d) REVIEW ONLY BY SUPREME COURT.—A judgment of a court under this section may be reviewed only by the Supreme Court under section 1254 of title 28, United States Code.

[(§ 6718. Investigations and reviews

[(a) INVESTIGATIONS BY SECRETARY.—

[(1) IN GENERAL.—The Secretary shall within a reasonable time limit—

[(A) carry out an investigation and make a finding after receiving a complaint referred to in section 6716(b), a determination by a State or local administrative agency, or other information about a possible violation of this chapter;

[(B) carry out audits and reviews (including investigations of allegations) about possible violations of this chapter; and

[(C) advise a complainant of the status of an audit, investigation, or review of an allegation by the complainant of a violation of section 6711 (a) or (b) or other provision of this chapter.

[(2) TIME LIMIT.—The maximum time limit under paragraph (1)(A) is 120 days.

[(b) REVIEWS BY COMPTROLLER GENERAL.—The Comptroller General of the United States shall carry out reviews of the activities of the Secretary, State governments, and units of general local government necessary for the Congress to evaluate compliance and operations under this chapter. These reviews shall include a comparison of the waste and inefficiency of local governments using funds under this chapter compared to waste and inefficiency with other comparable Federal programs.

[(§ 6719. Reports

[(a) REPORTS BY SECRETARY TO CONGRESS.—Before June 2 of each year prior to 2002, the Secretary personally shall report to the Congress on—

[(1) the status and operation of the Local Government Fiscal Assistance Fund during the prior fiscal year; and

[(2) the administration of this chapter, including a complete and detailed analysis of—

[(A) actions taken to comply with sections 6711 through 6715, including a description of the kind and extent of non-compliance and the status of pending complaints;

[(B) the extent to which units of general local government receiving payments under this chapter have complied with the requirements of this chapter;

[(C) the way in which payments under this chapter have been distributed in the jurisdictions receiving payments; and

[(D) significant problems in carrying out this chapter and recommendations for legislation to remedy the problems.

[(b) REPORTS BY UNITS OF GENERAL LOCAL GOVERNMENT TO SECRETARY.—

[(1) IN GENERAL.—At the end of each fiscal year, each unit of general local government which received a payment under this chapter for the fiscal year shall submit a report to the Secretary. The report shall be submitted in the form and at a time prescribed by the Secretary and shall be available to the public for inspection. The report shall state—

[(A) the amounts and purposes for which the payment has been appropriated, expended, or obligated in the fiscal year;

[(B) the relationship of the payment to the relevant functional items in the budget of the government; and

[(C) the differences between the actual and proposed use of the payment.

[(2) AVAILABILITY OF REPORT.—The Secretary shall provide a copy of a report submitted under paragraph (1) by a unit of general local government to the chief executive officer of the State in which the government is located. The Secretary shall provide the report in the manner and form prescribed by the Secretary.

[§ 6720. Definitions, application, and administration

[(a) DEFINITIONS.—In this chapter—

[(1) 'unit of general local government' means—

[(A) a county, township, city, or political subdivision of a county, township, or city, that is a unit of general local government as determined by the Secretary of Commerce for general statistical purposes; and

[(B) the District of Columbia and the recognized governing body of an Indian tribe or Alaskan Native village that carries out substantial governmental duties and powers;

[(2) 'payment period' means each 1-year period beginning on October 1 of the years 1994 through 2000;

[(3) 'State and local taxes' means taxes imposed by a State government or unit of general local government or other political subdivision of a State government for public purposes (except employee and employer assessments and contributions to finance retirement and social insurance systems and other special assessments for capital outlay) as determined by the Secretary of Commerce for general statistical purposes;

[(4) 'State' means any of the several States and the District of Columbia;

[(5) 'income' means the total money income received from all sources as determined by the Secretary of Commerce for general statistical purposes, which for units of general local government is reported by the Bureau of the Census for 1990 in

the publication Summary Social, Economic, and Housing Characteristics;

[(6) 'per capita income' means—

[(A) in the case of the United States, the income of the United States divided by the population of the United States;

[(B) in the case of a State, the income of that State, divided by the population of that State; and

[(C) in the case of a unit of general local government, the income of that unit of general local government divided by the population of the unit of general local government;

[(7) 'finding of discrimination' means a decision by the Secretary about a complaint described in section 6716(b), a decision by a State or local administrative agency, or other information (under regulations prescribed by the Secretary) that it is more likely than not that a unit of general local government has not complied with section 6711 (a) or (b);

[(8) 'holding of discrimination' means a holding by a United States court, a State court, or an administrative law judge appointed under section 3105 of title 5, United States Code, that a unit of general local government expending amounts received under this chapter has—

[(A) excluded a person in the United States from participating in, denied the person the benefits of, or subjected the person to discrimination under, a program or activity because of race, color, national origin, or sex; or

[(B) violated a prohibition against discrimination described in section 6711(b); and

[(9) 'Secretary' means the Secretary of Housing and Urban Development.

[(b) DELEGATION OF ADMINISTRATION.—The Secretary may enter into agreements with other executive branch departments and agencies to delegate to that department or agency all or part of the Secretary's responsibility for administering this chapter.

[(c) TREATMENT OF SUBSUMED AREAS.—If the entire geographic area of a unit of general local government is located in a larger entity, the unit of general local government is deemed to be located in the larger entity. If only part of the geographic area of a unit is located in a larger entity, each part is deemed to be located in the larger entity and to be a separate unit of general local government in determining allocations under this chapter. Except as provided in regulations prescribed by the Secretary, the Secretary shall make all data computations based on the ratio of the estimated population of the part to the population of the entire unit of general local government.

[(d) BOUNDARY AND OTHER CHANGES.—If a boundary line change, a State statutory or constitutional change, annexation, a governmental reorganization, or other circumstance results in the application of sections 6704 through 6708 in a way that does not carry out the purposes of sections 6701 through 6708, the Secretary shall apply sections 6701 through 6708 under regulations of the Secretary in a way that is consistent with those purposes.

[(b) ISSUANCE OF REGULATIONS.—Within 90 days of the date of enactment of this Act the Secretary shall issue regulations, which

may be interim regulations, to implement subsection (a), modifying the regulations for carrying into effect the Revenue Sharing Act that were in effect as of July 1, 1987, and that were published in 31 C.F.R. part 51. The Secretary need not hold a public hearing before issuing these regulations.

[(c) DEFICIT NEUTRALITY.—Any appropriation to carry out the amendment made by this subtitle to title 31, United States Code, for fiscal year 1995 or 1996 shall be offset by cuts elsewhere in appropriations for that fiscal year.

SEC. 31002. TECHNICAL AMENDMENT.

[The table of chapters at the beginning of subtitle V of title 31, United States Code, is amended by adding after the item relating to chapter 65 the following:

[67. Federal payments	6701.]
* * * * *	

[Subtitle O—Urban Recreation and At-Risk Youth

[SEC. 31501. PURPOSE OF ASSISTANCE.

[Section 1003 of the Urban Park and Recreation Recovery Act of 1978 is amended by adding the following at the end: “It is further the purpose of this title to improve recreation facilities and expand recreation services in urban areas with a high incidence of crime and to help deter crime through the expansion of recreation opportunities for at-risk youth. It is the further purpose of this section to increase the security of urban parks and to promote collaboration between local agencies involved in parks and recreation, law enforcement, youth social services, and juvenile justice system.”.

[SEC. 31502. DEFINITIONS.

[Section 1004 of the Urban Park and Recreation Recovery Act of 1978 is amended by inserting the following new subsection after subsection (c) and by redesignating subsections (d) through (j) as (e) through (k), respectively:

[(d) “at-risk youth recreation grants” means—

[(1) rehabilitation grants,

[(2) innovation grants, or

[(3) matching grants for continuing program support for programs of demonstrated value or success in providing constructive alternatives to youth at risk for engaging in criminal behavior, including grants for operating, or coordinating recreation programs and services;

in neighborhoods and communities with a high prevalence of crime, particularly violent crime or crime committed by youthful offenders; in addition to the purposes specified in subsection (b), rehabilitation grants referred to in paragraph (1) of this subsection may be used for the provision of lighting, emergency phones or other capital improvements which will improve the security of urban parks.

[SEC. 31503. CRITERIA FOR SELECTION.

[Section 1005 of the Urban Park and Recreation Recovery Act of 1978 is amended by striking “and” at the end of paragraph (6), by striking the period at the end of paragraph (7) and inserting “; and” and by adding the following at the end:

[(8) in the case of at-risk youth recreation grants, the Secretary shall give a priority to each of the following criteria:

[(A) Programs which are targeted to youth who are at the greatest risk of becoming involved in violence and crime.

[(B) Programs which teach important values and life skills, including teamwork, respect, leadership, and self-esteem.

[(C) Programs which offer tutoring, remedial education, mentoring, and counseling in addition to recreation opportunities.

[(D) Programs which offer services during late night or other nonschool hours.

[(E) Programs which demonstrate collaboration between local park and recreation, juvenile justice, law enforcement, and youth social service agencies and nongovernmental entities, including the private sector and community and nonprofit organizations.

[(F) Programs which leverage public or private recreation investments in the form of services, materials, or cash.

[(G) Programs which show the greatest potential of being continued with non-Federal funds or which can serve as models for other communities.

[SEC. 31504. PARK AND RECREATION ACTION RECOVERY PROGRAMS.]

[Section 1007(b) of the Urban Park and Recreation Recovery Act of 1978 is amended by adding the following at the end: "In order to be eligible to receive 'at-risk youth recreation grants' a local government shall amend its 5-year action program to incorporate the goal of reducing crime and juvenile delinquency and to provide a description of the implementation strategies to achieve this goal. The plan shall also address how the local government is coordinating its recreation programs with crime prevention efforts of law enforcement, juvenile corrections, and youth social service agencies.".]

[SEC. 31505. MISCELLANEOUS AND TECHNICAL AMENDMENTS.]

[(a) PROGRAM SUPPORT.—Section 1013 of the Urban Park and Recreation Recovery Act of 1978 is amended by inserting "(a) IN GENERAL.—" after "1013" and by adding the following new subsection at the end:

[(b) PROGRAM SUPPORT.—Not more than 25 percent of the amounts made available under this title to any local government may be used for program support.

[(b) EXTENSION.—Section 1003 of the Urban Park and Recreation Recovery Act of 1978 is amended by striking "for a period of five years" and by striking "short-term".

[(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subtitle—

[(1) \$2,700,000 for fiscal year 1996;

[(2) \$450,000 for fiscal year 1997;

[(3) \$450,000 for fiscal year 1998;

[(4) \$450,000 for fiscal year 1999; and

[(5) \$450,000 for fiscal year 2000.]

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ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965

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**TITLE I—HELPING DISADVANTAGED
CHILDREN MEET HIGH STANDARDS****SEC. 1001. DECLARATION OF POLICY AND STATEMENT OF PURPOSE.****(a) STATEMENT OF POLICY.—****(1) IN GENERAL.— * * ***

* * * * *

SEC. 1002. AUTHORIZATION OF APPROPRIATIONS.**(a) LOCAL EDUCATION AGENCY GRANTS.—* * ***

* * * * *

[(d) PREVENTION AND INTERVENTION PROGRAMS FOR YOUTH WHO ARE NEGLECTED, DELINQUENT, OR AT RISK OF DROPPING OUT.—For the purpose of carrying out Part D, there are authorized to be appropriated \$40,000,000 for fiscal year 1995 and such sums as may be necessary for each of the four succeeding fiscal years.]

[(g)](d) FEDERAL ACTIVITIES.—

“(1) SECTION 1501.—For the purpose of carrying out section 1501, there are authorized to be appropriated \$9,000,000 for fiscal year 1995 and such sums as may be necessary for each of the four succeeding fiscal years.

“(2) SECTIONS 1502 AND 1503.—For the purpose of carrying out sections 1502 and 1503, there are authorized to be appropriated \$50,000,000 for fiscal year 1995 and such sums as may be necessary for each of the four succeeding fiscal years.

* * * * *

SEC. 1003. RESERVATION AND ALLOCATION FOR SCHOOL IMPROVEMENT.**(a) PAYMENT FOR SCHOOL IMPROVEMENT.—**

(1) IN GENERAL.—Except as provided in paragraph (3), each State may reserve for the proper and efficient performance of its duties under subsections (c)(5) and (d) of section 1116, and section 1117, one-half of 1 percent of the funds allocated to the State under **[(subsections (a), (c), and (d), of section 1002)]** *subsections (a) and (c) of section 1002* for fiscal year 1995 and each succeeding fiscal year.

* * * * *

(3) SPECIAL RULE.—If the amount reserved under paragraph (1) when added to the amount made available under section 1002(f) for a State is less than \$200,000 for any fiscal year, then such State may reserve such additional funds under **[(subsections (a), (c), and (d) of section 1002)]** *subsections (a) and (c) of section 1002* as are necessary to make \$200,000 available to such State.

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**PART A—IMPROVING BASIC PROGRAMS OPERATED BY
LOCAL EDUCATIONAL AGENCIES**

Subpart 1—Basic Program Requirements

* * * * *

SEC. 1112. LOCAL EDUCATIONAL AGENCY PLANS.

(a) PLANS REQUIRED.— * * *

* * * * *

(B) services for children with limited English proficiency or with disabilities, migratory children served under part C or who were formerly eligible for services under part C in the two-year period preceding the date of the enactment of the Improving America's School Act of 1994, [neglected or delinquent youth and youth at risk of dropping out served under part D.] homeless children, and immigrant children in order to increase program effectiveness, eliminate duplication, and reduce fragmentation of the instructional program;

* * * * *

SEC. 1115. TARGETED ASSISTANCE SCHOOLS.

(a) IN GENERAL.— * * *

* * * * *

(C)[(i)] A child who, at any time in the two years preceding the year for which the determination is made, received services under the program for youth who are neglected, delinquent, or at risk of dropping out under part D (or its predecessor authority) may be eligible for services under this part.

* * * * *

SEC. 1122. ALLOCATIONS TO STATES.

(a) IN GENERAL.— * * *

* * * * *

(c) HOLD-HARMLESS AMOUNTS.—

(1) IN GENERAL.—For fiscal year 1995, notwithstanding subsection (b) [and without regard to amounts available for delinquent children under subpart 2 of part D], the amount made available to each local educational agency under such section 1005 shall be at least 85 percent of the amount such local educational agency received for the preceding year under such section 1005.

(2) FISCAL YEAR 1996.—Notwithstanding subsection (b) [and without regard to amounts available for delinquent children under subpart 2 of part D], for fiscal year 1996 the total amount made available to each local educational agency under each of sections 1124 and 1124A for any fiscal year shall be at least 100 percent of the total amount such local educational agency was allocated under such sections (or their predecessor authorities) for the preceding fiscal year.

(3) FISCAL YEARS 1997–1999.—For fiscal years 1997 through 1999, notwithstanding subsection (b) [and without regard to

amounts available for delinquent children under subpart 2 of part D], the amount made available to each local educational agency under each of sections 1124 and 1125 shall be at least 95 percent of the previous year's amount if the number of children counted for grants under section 1124 is at least 30 percent of the total number of children aged 5 to 17 years, inclusive, in the local educational agency, 90 percent of the previous year amount if this percentage is between 15 percent and 30 percent, and 85 percent if this percentage is below 15 percent. For fiscal years 1997 and 1998, in calculating grants on the basis of population data for counties, the Secretary shall apply the hold-harmless percentages in the preceding sentence to counties. For fiscal years 1996 through 1998, if the Secretary's allocation for a county is not sufficient to meet the hold-harmless requirements of this paragraph for every local educational agency within that county, then the State educational agency shall reallocate funds proportionately from all other local educational agencies in the State that are receiving funds in excess of the hold-harmless amounts specified in this paragraph.

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SEC. 1124. BASIC GRANTS TO LOCAL EDUCATIONAL AGENCIES.

(a) AMOUNT OF GRANTS.— * * *

* * * * *

(C) the number of children aged 5 to 17, inclusive, in the school district of such agency in institutions for neglected and delinquent children (other than such institutions operated by the United States)[, but not counted pursuant to subpart 1 of part D for the purposes of a grant to a State agency], or being supported in foster homes with public funds.

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PART E—FEDERAL EVALUATIONS, DEMONSTRATIONS, AND TRANSITION PROJECTS

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SEC. 1502. DEMONSTRATIONS OF INNOVATIVE PRACTICES.

(a) DEMONSTRATION PROGRAMS TO IMPROVE ACHIEVEMENT.—

(1) IN GENERAL.—From the funds appropriated for any fiscal year under [section 1002(g)(2)], *section 1002(d)(2)* the Secretary may make grants to State educational agencies, local educational agencies, other public agencies, nonprofit organizations, public or private partnerships involving business and industry organizations, and consortia of such entities to carry out demonstration projects that show the most promise of enabling children served under this title to meet challenging State content standards and challenging State student performance standards. Such projects shall include promising strategies such as—

(b) PARTNERSHIPS.—From funds appropriated under [section 1002(g)(2)] *section 1002(d)(2)* for any fiscal year, the Secretary may, directly or through grants or contracts, work in partnership

with State educational agencies, local educational agencies, other public agencies, and nonprofit organizations to disseminate and use the highest quality research and knowledge about effective practices to improve the quality of teaching and learning in schools assisted under this title.

SEC. 1503. INNOVATIVE ELEMENTARY SCHOOL TRANSITION PROJECTS.

(a) IN GENERAL.—From the amount appropriated under [section 1002(g)(2)], *section 1002(d)(2)* the Secretary shall provide not less than \$10,000,000, but not more than \$40,000,000 to support innovative transition projects in elementary schools authorized under this section.

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PART F—GENERAL PROVISIONS

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SEC. 1603. STATE ADMINISTRATION.

(a) RULEMAKING.— * * *

* * * * *

(c) PAYMENT FOR STATE ADMINISTRATION.—Each State may reserve for the proper and efficient performance of its duties under this title the greater of—

(1) 1.00 percent of the funds received under [subsections (a), (c), and (d) of section 1002] *subsections (a) and (c) of section 1002*; or

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**TITLE II—DWIGHT D. EISENHOWER
PROFESSIONAL DEVELOPMENT PROGRAM**

* * * * *

PART B—STATE AND LOCAL ACTIVITIES

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SEC. 2209. LOCAL COST-SHARING.

(a) IN GENERAL.— * * *

* * * * *

[(ii) The Safe and Drug-Free Schools and Communities program under title IV.]

[(iii)] *(ii)* Bilingual Education Programs under part A of title VII.

[(iv)] *(iii)* Programs under the Women's Educational Equity Act of 1994.

[(v)] *(iv)* Programs under title III of the Goals 2000: Educate America Act.

[(vi)] *(v)* Programs that are related to the purposes of this Act that are administered by other Federal agencies, including the National Science Foundation, the National Endowment for the Humanities, the Na-

tional Endowment for the Arts, the Institute of Museum Services, and the Department of Energy.

[(vii)] (vi) Programs under the Individuals with Disabilities Education Act.

* * * * *

[TITLE IV—SAFE AND DRUG-FREE SCHOOLS AND COMMUNITIES]

[SEC. 4001. SHORT TITLE.]

[This title may be cited as the “Safe and Drug-Free Schools and Communities Act of 1994”.

[SEC. 4002. FINDINGS.]

[The Congress finds as follows:

[(1)] The seventh National Education Goal provides that by the year 2000, all schools in America will be free of drugs and violence and the unauthorized presence of firearms and alcohol, and offer a disciplined environment that is conducive to learning.

[(2)] The widespread illegal use of alcohol and other drugs among the Nation’s secondary school students, and increasingly by students in elementary schools as well, constitutes a grave threat to such students’ physical and mental well-being, and significantly impedes the learning process. For example, data show that students who drink tend to receive lower grades and are more likely to miss school because of illness than students who do not drink.

[(3)] Our Nation’s schools and communities are increasingly plagued by violence and crime. Approximately 3,000,000 thefts and violent crimes occur in or near our Nation’s schools every year, the equivalent of more than 16,000 incidents per school day.

[(4)] Violence that is linked to prejudice and intolerance victimizes entire communities leading to more violence and discrimination.

[(5)] The tragic consequences of violence and the illegal use of alcohol and drugs by students are felt not only by students and such students’ families, but by such students’ communities and the Nation, which can ill afford to lose such students’ skills, talents, and vitality.

[(6)] While use of illegal drugs is a serious problem among a minority of teenagers, alcohol use is far more widespread. The proportion of high school students using alcohol, though lower than a decade ago, remains unacceptably high. By the 8th grade, 70 percent of youth report having tried alcohol and by the 12th grade, about 88 percent have used alcohol. Alcohol use by young people can and does have adverse consequences for users, their families, communities, schools, and colleges.

[(7)] Alcohol and tobacco are widely used by young people. Such use can, and does, have adverse consequences for young people, their families, communities, schools, and colleges. Drug prevention programs for youth that address only controlled drugs send an erroneous message that alcohol and tobacco do

not present significant problems, or that society is willing to overlook their use. To be credible, messages opposing illegal drug use by youth should address alcohol and tobacco as well.

[(8) Every day approximately 3,000 children start smoking. Thirty percent of all secondary school seniors are smokers. Half of all new smokers begin smoking before the age of 14, 90 percent of such smokers begin before the age of 21, and the average age of the first use of smokeless tobacco is under the age of 10. Use of tobacco products has been linked to serious health problems. Drug education and prevention programs that include tobacco have been effective in reducing teenage use of tobacco.

[(9) Drug and violence prevention programs are essential components of a comprehensive strategy to promote school safety and to reduce the demand for and use of drugs throughout the Nation. Schools and local organizations in communities throughout the Nation have a special responsibility to work together to combat the growing epidemic of violence and illegal drug use and should measure the success of their programs against clearly defined goals and objectives.

[(10) Students must take greater responsibility for their own well-being, health, and safety if schools and communities are to achieve the goals of providing a safe, disciplined, and drug-free learning environment.

[SEC. 4003. PURPOSE.

[The purpose of this title is to support programs to meet the seventh National Education Goal by preventing violence in and around schools and by strengthening programs that prevent the illegal use of alcohol, tobacco, and drugs, involve parents, and are coordinated with related Federal, State, and community efforts and resources, through the provision of Federal assistance to—

[(1) States for grants to local educational agencies and educational service agencies and consortia of such agencies to establish, operate, and improve local programs of school drug and violence prevention, early intervention, rehabilitation referral, and education in elementary and secondary schools (including intermediate and junior high schools);

[(2) States for grants to, and contracts with, community-based organizations and other public and private nonprofit agencies and organizations for programs of drug and violence prevention, early intervention, rehabilitation referral, and education;

[(3) States for development, training, technical assistance, and coordination activities;

[(4) public and private nonprofit organizations to conduct training, demonstrations, and evaluation, and to provide supplementary services for the prevention of drug use and violence among students and youth; and

[(5) institutions of higher education to establish, operate, expand, and improve programs of school drug and violence prevention, education, and rehabilitation referral for students enrolled in colleges and universities.

[SEC. 4004. FUNDING.

There are authorized to be appropriated—

[(1) \$630,000,000 for fiscal year 1995, and such sums as may be necessary for each of the four succeeding fiscal years, for State grants under subpart 1; and

[(2) \$25,000,000 for fiscal year 1995, and such sums as may be necessary for each of the four succeeding fiscal years, for national programs under subpart 2.

**[PART A—STATE GRANTS FOR DRUG AND VIOLENCE
PREVENTION PROGRAMS**

**[Subpart 1—State Grants for Drug and Violence Prevention
Programs**

[SEC. 4011. RESERVATIONS AND ALLOTMENTS.

[(a) RESERVATIONS.—From the amount made available under section 4004(a) to carry out this subpart for each fiscal year, the Secretary—

[(1) shall reserve 1 percent of such amount for grants under this subpart to Guam, American Samoa, the Virgin Islands, and the Commonwealth of the Northern Mariana Islands, to be allotted in accordance with the Secretary's determination of their respective needs;

[(2) shall reserve 1 percent of such amount for the Secretary of the Interior to carry out programs under this part for Indian youth;

[(3) may reserve not more than \$1,000,000 for the national impact evaluation required by section 4117(a); and

[(4) shall reserve 0.2 percent of such amount for programs for Native Hawaiians under section 4118.

[(b) STATE ALLOTMENTS.—

[(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary shall, for each fiscal year, allocate among the States—

[(A) one-half of the remainder not reserved under subsection (a) according to the ratio between the school-aged population of each State and the school-aged population of all the States; and

[(B) one-half of such remainder according to the ratio between the amount each State received under part A of title I for the preceding year (or, for fiscal year 1995 only, sections 1005 and 1006 of this Act as such sections were in existence on the day preceding the date of enactment of the Improving America's Schools Act of 1994) and the sum of such amounts received by all the States.

[(2) MINIMUM.—For any fiscal year, no State shall be allotted under this subsection an amount that is less than one-half of 1 percent of the total amount allotted to all the States under this subsection.

[(3) REALLOTMENT.—The Secretary may reallocate any amount of any allotment to a State if the Secretary determines that the State will be unable to use such amount within two years of such allotment. Such reallocations shall be made on the same basis as allotments are made under paragraph (1).

[(4) DEFINITIONS.—For the purpose of this subsection—

[(A) the term “State” means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico; and

[(B) the term “local educational agency” includes educational service agencies and consortia of such agencies.

[SEC. 4112. STATE APPLICATIONS.

[(a) IN GENERAL.—In order to receive an allotment under section 4111 for any fiscal year, a State shall submit to the Secretary, at such time as the Secretary may require, an application that—

[(1) describes how funds under this subpart will be coordinated with programs under this Act, the Goals 2000: Educate America Act, and other Acts, as appropriate, in accordance with the provisions of section 14306;

[(2) contains the results of the State's needs assessment for drug and violence prevention programs, which shall be based on the results of on-going State evaluation activities, including data on the prevalence of drug use and violence by youth in schools and communities;

[(3) contains assurances that the sections of the application concerning the funds provided to the chief executive officer and the State educational agency were developed separately by such officer or agency, respectively, but in consultation and coordination with appropriate State officials and others, including the chief State school officer, the chief executive officer, the head of the State alcohol and drug abuse agency, the heads of the State health and mental health agencies, the head of the State criminal justice planning agency, the head of the State child welfare agency, the head of the State board of education, or their designees, and representatives of parents, students, and community-based organizations;

[(4) contains an assurance that the State will cooperate with, and assist, the Secretary in conducting a national impact evaluation of programs required by section 4117(a); and

[(5) includes any other information the Secretary may require.

[(b) STATE EDUCATIONAL AGENCY FUNDS.—A State's application under this section shall also contain a comprehensive plan for the use of funds under section 4113(a) by the State educational agency that includes—

[(1) a statement of the State educational agency's measurable goals and objectives for drug and violence prevention and a description of the procedures such agency will use for assessing and publicly reporting progress toward meeting those goals and objectives;

[(2) a plan for monitoring the implementation of, and providing technical assistance regarding, the drug and violence prevention programs conducted by local educational agencies in accordance with section 4116;

[(3) a description of how the State educational agency will use funds under section 4113(b);

[(4) a description of how the State educational agency will coordinate such agency's activities under this subpart with the chief executive officer's drug and violence prevention programs

under this subpart and with the prevention efforts of other State agencies;

[(5) an explanation of the criteria the State educational agency will use to identify which local educational agencies receive supplemental funds under section 4113(d)(2)(A)(ii) and how the supplemental funds will be allocated among such local educational agencies; and

[(6) a description of the procedures the State educational agency will use to review applications from local educational agencies under section 4115.

[(c) GOVERNOR'S FUNDS.—A State's application under this section shall also contain a comprehensive plan for the use of funds under section 4114(a) by the chief executive officer that includes—

[(1) a statement of the chief executive officer's measurable goals and objectives for drug and violence prevention and a description of the procedures to be used for assessing and publicly reporting progress toward meeting such goals and objectives;

[(2) a description of how the chief executive officer will coordinate such officer's activities under this part with the State educational agency and other State agencies and organizations involved with drug and violence prevention efforts;

[(3) a description of how funds reserved under section 4114(a) will be used so as not to duplicate the efforts of the State educational agency and local educational agencies with regard to the provision of school-based prevention efforts and services and how those funds will be used to serve populations not normally served by the State educational agency, such as school dropouts and youth in detention centers;

[(4) a description of how the chief executive officer will award funds under section 4114(a) and a plan for monitoring the performance of, and providing technical assistance to, recipients of such funds;

[(5) a description of the special outreach activities that will be carried out to maximize the participation of community-based organizations of demonstrated effectiveness which provide services in low-income communities; and

[(6) a description of how funds will be used to support community-wide comprehensive drug and violence prevention planning.

[(d) PEER REVIEW.—The Secretary shall use a peer review process in reviewing State applications under this section.

[(e) INTERIM APPLICATION.—Notwithstanding any other provisions of this section, a State may submit for fiscal year 1995 a one-year interim application and plan for the use of funds under this subpart that are consistent with the requirements of this section and contain such information as the Secretary may specify in regulations. The purpose of such interim application and plan shall be to afford the State the opportunity to fully develop and review such State's application and comprehensive plan otherwise required by this section. A State may not receive a grant under this subpart for a fiscal year subsequent to fiscal year 1995 unless the Secretary has approved such State's application and comprehensive plan in accordance with this subpart.

[SEC. 4113. STATE AND LOCAL EDUCATIONAL AGENCY PROGRAMS.**[(a) USE OF FUNDS.—**

[(1) IN GENERAL.—Except as provided in paragraph (2), an amount equal to 80 percent of the total amount allocated to a State under section 4111 for each fiscal year shall be used by the State educational agency and its local educational agencies for drug and violence prevention activities in accordance with this section.

[(2) EXCEPTION.—(A) If a State has, on or before January 1, 1994, established an independent State agency for the purpose of administering all of the funds described in section 5121 of this Act (as such section was in effect on the day preceding the date of the enactment of the Improving America's Schools Act of 1994), then—

[(i) an amount equal to 80 percent of the total amount allocated to such State under section 4111 for each fiscal year shall be used by the State educational agency and its local educational agencies for drug and violence prevention activities in accordance with this section; and

[(ii) an amount equal to 20 percent of such total amount shall be used by such independent State agency for drug and violence prevention activities in accordance with this section.

[(B) Not more than 5 percent of the amount reserved under subparagraph (A)(ii) may be used for administrative costs of the independent State agency incurred in carrying out the activities described in such subparagraph.

[(C) For purposes of this paragraph, the term “independent State agency” means an independent agency with a board of directors or a cabinet level agency whose chief executive officer is appointed by the chief executive officer of the State and confirmed with the advice and consent of the senate of such State.

[(b) STATE LEVEL PROGRAMS.—

[(1) IN GENERAL.—A State educational agency shall use not more than 5 percent of the amount available under subsection (a) for activities such as—

[(A) training and technical assistance concerning drug and violence prevention for local educational agencies and educational service agencies, including teachers, administrators, coaches and athletic directors, other staff, parents, students, community leaders, health service providers, local law enforcement officials, and judicial officials;

[(B) the development, identification, dissemination, and evaluation of the most readily available, accurate, and up-to-date curriculum materials (including videotapes, software, and other technology-based learning resources), for consideration by local educational agencies;

[(C) making available to local educational agencies cost effective programs for youth violence and drug abuse prevention;

[(D) demonstration projects in drug and violence prevention;

[(E) training, technical assistance, and demonstration projects to address violence associated with prejudice and intolerance;

[(F) financial assistance to enhance resources available for drug and violence prevention in areas serving large numbers of economically disadvantaged children or sparsely populated areas, or to meet other special needs consistent with the purposes of this subpart; and

[(G) the evaluation of activities carried out within the State under this part.

[(2) SPECIAL RULE.—A State educational agency may carry out activities under this subsection directly, or through grants or contracts.

[(c) STATE ADMINISTRATION.—A State educational agency may use not more than 4 percent of the amount reserved under subsection (a) for the administrative costs of carrying out its responsibilities under this part.

[(d) LOCAL EDUCATIONAL AGENCY PROGRAMS.—

[(1) IN GENERAL.—A State educational agency shall distribute not less than 91 percent of the amount made available under subsection (a) for each fiscal year to local educational agencies in accordance with this subsection.

[(2) DISTRIBUTION.—(A) Of the amount distributed under paragraph (1), a State educational agency shall distribute—

[(i) 70 percent of such amount to local educational agencies, based on the relative enrollments in public and private nonprofit elementary and secondary schools within the boundaries of such agencies; and

[(ii) 30 percent of such amount to local educational agencies that the State educational agency determines have the greatest need for additional funds to carry out drug and violence prevention programs authorized by this subpart.

[(B) Where appropriate and to the extent consistent with the needs assessment conducted by the State, not less than 25 percent of the amount distributed under subparagraph (A)(ii) for a fiscal year shall be distributed to local educational agencies located in rural and urban areas.

[(C)(i) A State educational agency shall distribute funds under subparagraph (A)(ii) to not more than 10 percent of the local educational agencies in the State, or five such agencies, whichever is greater.

[(ii) In determining which local educational agencies have the greatest need for additional funds, the State educational agency shall consider objective data such as—

[(I) high rates of alcohol or drug use among youth;

[(II) high rates of victimization of youth by violence and crime;

[(III) high rates of arrests and convictions of youth for violent or drug- or alcohol-related crime;

[(IV) the extent of illegal gang activity;

[(V) high incidence of violence associated with prejudice and intolerance;

[(VI) high rates of referrals of youths to drug and alcohol abuse treatment and rehabilitation programs;

[(VII) high rates of referrals of youths to juvenile court;

[(VIII) high rates of expulsions and suspensions of students from schools; and

[(IX) high rates of reported cases of child abuse and domestic violence.

[(e) REALLOCATION OF FUNDS.—If a local educational agency chooses not to apply to receive the amount allocated to such agency under subsection (d), or if such agency's application under section 4115 is disapproved by the State educational agency, the State educational agency shall reallocate such amount to one or more of the local educational agencies determined by the State educational agency under subsection (d)(2)(C)(ii) to have the greatest need for additional funds.

[(f) RETURN OF FUNDS TO STATE EDUCATIONAL AGENCY; REALLOCATION.—

[(1) RETURN.—Except as provided in paragraph (2), upon the expiration of the 1-year period beginning on the date that a local educational agency or educational service agency under this title receives its allocation under this title—

[(A) such agency shall return to the State educational agency any funds from such allocation that remain unobligated; and

[(B) the State educational agency shall reallocate any such amount to local educational agencies or educational service agencies that have plans for using such amount for programs or activities on a timely basis.

[(2) REALLOCATION.—In any fiscal year, a local educational agency, may retain for obligation in the succeeding fiscal year—

[(A) an amount equal to not more than 25 percent of the allocation it receives under this title for such fiscal year; or

[(B) upon a demonstration of good cause by such agency or consortium, a greater amount approved by the State educational agency.

[SEC. 4114. GOVERNOR'S PROGRAMS.

[(a) USE OF FUNDS.—

[(1) IN GENERAL.—An amount equal to 20 percent of the total amount allocated to a State under section 4111(1) for each fiscal year shall be used by the chief executive officer of such State for drug and violence prevention programs and activities in accordance with this section.

[(2) LAW ENFORCEMENT EDUCATION PARTNERSHIPS.—A chief executive officer shall use not less than 10 percent of the 20 percent of the total amount described in paragraph (1) for each fiscal year for law enforcement education partnerships in accordance with subsection (d).

[(3) ADMINISTRATIVE COSTS.—A chief executive officer may use not more than 5 percent of the 20 percent of the total amount described in paragraph (1) for the administrative costs incurred in carrying out the duties of such officer under this section.

[(b) PROGRAMS AUTHORIZED.—

[(1) IN GENERAL.—A chief executive officer shall use funds made available under subsection (a)(1) for grants to or contracts with parent groups, community action and job training agencies, community-based organizations, and other public entities and private nonprofit organizations and consortia thereof. In making such grants and contracts, a chief executive officer shall give priority to programs and activities described in subsection (c) for—

[(A) children and youth who are not normally served by State or local educational agencies; or

[(B) populations that need special services or additional resources (such as preschoolers, youth in juvenile detention facilities, runaway or homeless children and youth, pregnant and parenting teenagers, and school dropouts).

[(2) PEER REVIEW.—Grants or contracts awarded under this subsection shall be subject to a peer review process.

[(c) AUTHORIZED ACTIVITIES.—Grants and contracts under subsection (b) shall be used for programs and activities such as—

[(1) disseminating information about drug and violence prevention;

[(2) training parents, law enforcement officials, judicial officials, social service providers, health service providers and community leaders about drug and violence prevention, comprehensive health education, early intervention, pupil services, or rehabilitation referral;

[(3) developing and implementing comprehensive, community-based drug and violence prevention programs that link community resources with schools and integrate services involving education, vocational and job skills training and placement, law enforcement, health, mental health, community service, mentoring, and other appropriate services;

[(4) planning and implementing drug and violence prevention activities that coordinate the efforts of State agencies with efforts of the State educational agency and its local educational agencies;

[(5) activities to protect students traveling to and from school;

[(6) before-and-after school recreational, instructional, cultural, and artistic programs that encourage drug- and violence-free lifestyles;

[(7) activities that promote the awareness of and sensitivity to alternatives to violence through courses of study that include related issues of intolerance and hatred in history;

[(8) developing and implementing activities to prevent and reduce violence associated with prejudice and intolerance;

[(9) developing and implementing strategies to prevent illegal gang activity;

[(10) coordinating and conducting community-wide violence and safety assessments and surveys;

[(11) service-learning projects that encourage drug- and violence-free lifestyles; and

[(12) evaluating programs and activities assisted under this section.

[(d) **LAW ENFORCEMENT EDUCATION PARTNERSHIPS.**—A chief executive officer shall use funds under subsection (a)(2) to award grants to State, county or local law enforcement agencies (including district attorneys) in consortium with local educational agencies or community-based agencies for the purposes of carrying out drug abuse and violence prevention activities, such as—

[(1) Project Drug Abuse Resistance Education and other programs which provide classroom instruction by uniformed law enforcement officials that is designed to teach students to recognize and resist pressures to experiment that influence such children to use controlled substances or alcohol;

[(2) Project Legal Lives and other programs in which district attorneys provide classroom instruction in the law and legal system which emphasizes interactive learning techniques, such as mock trial competitions;

[(3) partnerships between law enforcement and child guidance professionals; and

[(4) before- and after-school activities.

[SEC. 4115. LOCAL APPLICATIONS.

[(a) APPLICATION REQUIRED.—

[(1) **IN GENERAL.**—In order to be eligible to receive a distribution under section 4113(d) for any fiscal year, a local educational agency shall submit, at such time as the State educational agency requires, an application to the State educational agency for approval. Such an application shall be amended, as necessary, to reflect changes in the local educational agency's program.

[(2) **DEVELOPMENT.**—(A) A local educational agency shall develop its application under subsection (a)(1) in consultation with a local or substate regional advisory council that includes, to the extent possible, representatives of local government, business, parents, students, teachers, pupil services personnel, appropriate State agencies, private schools, the medical profession, law enforcement, community-based organizations, and other groups with interest and expertise in drug and violence prevention.

[(B) In addition to assisting the local educational agency to develop an application under this section, the advisory council established or designated under subparagraph (A) shall, on an ongoing basis—

[(i) disseminate information about drug and violence prevention programs, projects, and activities conducted within the boundaries of the local educational agency;

[(ii) advise the local educational agency regarding—

[(I) how best to coordinate such agency's activities under this subpart with other related programs, projects, and activities; and

[(II) the agencies that administer such programs, projects, and activities; and

[(iii) review program evaluations and other relevant material and make recommendations to the local educational agency on how to improve such agency's drug and violence prevention programs.

[(b) CONTENTS OF APPLICATIONS.—An application under this section shall contain—

[(1) an objective analysis of the current use (and consequences of such use) of alcohol, tobacco, and controlled, illegal, addictive or harmful substances as well as the violence, safety, and discipline problems among students who attend the schools of the applicant (including private school students who participate in the applicant's drug and violence prevention program) that is based on ongoing local assessment or evaluation activities;

[(2) a detailed explanation of the local educational agency's comprehensive plan for drug and violence prevention, which shall include a description of—

[(A) how the plan will be coordinated with programs under this Act, the Goals 2000: Educate America Act, and other Acts, as appropriate, in accordance with the provisions of section 14306;

[(B) the local educational agency's measurable goals for drug and violence prevention, and a description of how such agency will assess and publicly report progress toward attaining these goals;

[(C) how the local educational agency will use its distribution under this subpart;

[(D) how the local educational agency will coordinate such agency's programs and projects with community-wide efforts to achieve such agency's goals for drug and violence prevention; and

[(E) how the local educational agency will coordinate such agency's programs and projects with other Federal, State, and local programs for drug-abuse prevention, including health programs; and

[(3) such other information and assurances as the State educational agency may reasonably require.

[(c) REVIEW OF APPLICATION.—

[(1) IN GENERAL.—In reviewing local applications under this section, a State educational agency shall use a peer review process or other methods of assuring the quality of such applications.

[(2) CONSIDERATIONS.—(A) In determining whether to approve the application of a local educational agency under this section, a State educational agency shall consider the quality of the local educational agency's comprehensive plan under subsection (b)(2) and the extent to which such plan is coordinated with programs under this Act, the Goals 2000: Educate America Act, in accordance with the provisions of section 14306.

[(B) A State educational agency may disapprove a local educational agency application under this section in whole or in part and may withhold, limit, or place restrictions on the use of funds allotted to such a local educational agency in a manner the State educational agency determines will best promote the purposes of this part, except that a local educational agency shall be afforded an opportunity to appeal any such disapproval.

[SEC. 4116. LOCAL DRUG AND VIOLENCE PREVENTION PROGRAMS.

[(a) PROGRAM REQUIREMENTS.—A local educational agency shall use funds received under this subpart to adopt and carry out a comprehensive drug and violence prevention program which shall—

[(1) be designed, for all students and employees, to—

[(A) prevent the use, possession, and distribution of tobacco, alcohol, and illegal drugs by students and to prevent the illegal use, possession, and distribution of such substances by employees;

[(B) prevent violence and promote school safety; and

[(C) create a disciplined environment conducive to learning; and

[(2) include activities to promote the involvement of parents and coordination with community groups and agencies, including the distribution of information about the local educational agency's needs, goals, and programs under this subpart.

[(b) AUTHORIZED ACTIVITIES.—A comprehensive drug and violence prevention program carried out under this subpart may include—

[(1) age-appropriate, developmentally based drug prevention and education programs for all students, from the preschool level through grade 12, that address the legal, social, personal and health consequences of the use of illegal drugs, promote a sense of individual responsibility, and provide information about effective techniques for resisting peer pressure to use illegal drugs;

[(2) programs of drug prevention, comprehensive health education, early intervention, pupil services, mentoring, or rehabilitation referral, which emphasize students' sense of individual responsibility and which may include—

[(A) the dissemination of information about drug prevention;

[(B) the professional development of school personnel, parents, students, law enforcement officials, judicial officials, health service providers and community leaders in prevention, education, early intervention, pupil services or rehabilitation referral; and

[(C) the implementation of strategies, including strategies to integrate the delivery of services from a variety of providers, to combat illegal alcohol, tobacco and drug use, such as—

[(i) family counseling;

[(ii) early intervention activities that prevent family dysfunction, enhance school performance, and boost attachment to school and family; and

[(iii) activities, such as community service and service-learning projects, that are designed to increase students' sense of community;

[(3) age-appropriate, developmentally based violence prevention and education programs for all students, from the preschool level through grade 12, that address the legal, health, personal, and social consequences of violent and disruptive behavior, including sexual harassment and abuse, and victimization associated with prejudice and intolerance, and that in-

clude activities designed to help students develop a sense of individual responsibility and respect for the rights of others, and to resolve conflicts without violence;

[(4) violence prevention programs for school-aged youth, which emphasize students' sense of individual responsibility and may include—

[(A) the dissemination of information about school safety and discipline;

[(B) the professional development of school personnel, parents, students, law enforcement officials, judicial officials, and community leaders in designing and implementing strategies to prevent school violence;

[(C) the implementation of strategies, such as conflict resolution and peer mediation, student outreach efforts against violence, anti-crime youth councils (which work with school and community-based organizations to discuss and develop crime prevention strategies), and the use of mentoring programs, to combat school violence and other forms of disruptive behavior, such as sexual harassment and abuse; and

[(D) the development and implementation of character education programs, as a component of a comprehensive drug or violence prevention program, that are tailored by communities, parents and schools; and

[(E) comprehensive, community-wide strategies to prevent or reduce illegal gang activities;

[(5) supporting "safe zones of passage" for students between home and school through such measures as Drug- and Weapon-Free School Zones, enhanced law enforcement, and neighborhood patrols;

[(6) acquiring and installing metal detectors and hiring security personnel;

[(7) professional development for teachers and other staff and curricula that promote the awareness of and sensitivity to alternatives to violence through courses of study that include related issues of intolerance and hatred in history;

[(8) the promotion of before-and-after school recreational, instructional, cultural, and artistic programs in supervised community settings;

[(9) drug abuse resistance education programs, designed to teach students to recognize and resist pressures to use alcohol or other drugs, which may include activities such as classroom instruction by uniformed law enforcement officers, resistance techniques, resistance to peer pressure and gang pressure, and provision for parental involvement; and

[(10) the evaluation of any of the activities authorized under this subsection.

[(c) LIMITATIONS.—

[(1) IN GENERAL.—Not more than 20 percent of the funds made available to a local educational agency under this subpart may be used to carry out the activities described in paragraphs (5) and (6) of subsection (b).

[(2) SPECIAL RULE.—A local educational agency shall only be able to use funds received under this subpart for activities de-

scribed in paragraphs (5) and (6) of subsection (b) if funding for such activities is not received from other Federal agencies.

[(d) ADMINISTRATIVE PROVISIONS.—Notwithstanding any other provisions of law, any funds expended prior to July 1, 1995, under part B of the Drug-Free Schools and Communities Act of 1986 (as in effect prior to enactment of the Improving America's Schools Act) for the support of a comprehensive school health program shall be deemed to have been authorized by part B of such Act.

[SEC. 4117. EVALUATION AND REPORTING.

[(a) NATIONAL IMPACT EVALUATION.—

[(1) BIENNIAL EVALUATION.—The Secretary, in consultation with the Secretary of Health and Human Services, the Director of the Office of National Drug Control Policy, and the Attorney General, shall conduct an independent biennial evaluation of the national impact of programs assisted under this subpart and of other recent and new initiatives to combat violence in schools and submit a report of the findings of such evaluation to the President and the Congress.

[(2) DATA COLLECTION.—(A) The National Center for Education Statistics shall collect data to determine the frequency, seriousness, and incidence of violence in elementary and secondary schools in the States. The Secretary shall collect the data using, wherever appropriate, data submitted by the States pursuant to subsection (b)(2)(B).

[(B) Not later than January 1, 1998, the Secretary shall submit to the Congress a report on the data collected under this subsection, together with such recommendations as the Secretary determines appropriate, including estimated costs for implementing any recommendation.

[(b) STATE REPORT.—

[(1) IN GENERAL.—By October 1, 1997, and every third year thereafter, the chief executive officer of the State, in cooperation with the State educational agency, shall submit to the Secretary a report—

[(A) on the implementation and outcomes of State programs under section 4114 and section 4113(b) and local educational agency programs under section 4113(d), as well as an assessment of their effectiveness; and

[(B) on the State's progress toward attaining its goals for drug and violence prevention under subsections (b)(1) and (c)(1) of section 4112.

[(2) SPECIAL RULE.—The report required by this subsection shall be—

[(A) in the form specified by the Secretary;

[(B) based on the State's ongoing evaluation activities, and shall include data on the prevalence of drug use and violence by youth in schools and communities; and

[(C) made readily available to the public.

[(c) LOCAL EDUCATIONAL AGENCY REPORT.—Each local educational agency receiving funds under this subpart shall submit to the State educational agency such information, and at such intervals, that the State requires to complete the State report required by subsection (b), including information on the prevalence of drug

use and violence by youth in the schools and the community. Such information shall be made readily available to the public.

[SEC. 4118. PROGRAMS FOR NATIVE HAWAIIANS.

[(a) GENERAL AUTHORITY.—From the funds made available pursuant to section 4111(a)(4) to carry out this section, the Secretary shall make grants to or enter into cooperative agreements or contracts with organizations primarily serving and representing Native Hawaiians which are recognized by the Governor of the State of Hawaii to plan, conduct, and administer programs, or portions thereof, which are authorized by and consistent with the provisions of this title for the benefit of Native Hawaiians.

[(b) DEFINITION OF NATIVE HAWAIIAN.—For the purposes of this section, the term “Native Hawaiian” means any individual any of whose ancestors were natives, prior to 1778, of the area which now comprises the State of Hawaii.

[Subpart 2—National Programs

[SEC. 4121. FEDERAL ACTIVITIES.

[(a) PROGRAM AUTHORIZED.—From funds made available to carry out this subpart under section 4004(2), the Secretary, in consultation with the Secretary of Health and Human Services, the Director of the Office of National Drug Control Policy, the Chair of the Ounce of Prevention Council, and the Attorney General, shall carry out programs to prevent the illegal use of drugs and violence among, and promote safety and discipline for, students at all educational levels from preschool through the postsecondary level. The Secretary shall carry out such programs directly, or through grants, contracts, or cooperative agreements with public and private nonprofit organizations and individuals, or through agreements with other Federal agencies, and shall coordinate such programs with other appropriate Federal activities. Such programs may include—

[(1) the development and demonstration of innovative strategies for training school personnel, parents, and members of the community, including the demonstration of model preservice training programs for prospective school personnel;

[(2) demonstrations and rigorous evaluations of innovative approaches to drug and violence prevention;

[(3) the provision of information on drug abuse education and prevention to the Secretary of Health and Human Services for dissemination by the clearinghouse for alcohol and drug abuse information established under section 501(d)(16) of the Public Health Service Act;

[(4) the development of curricula related to child abuse prevention and education and the training of personnel to teach child abuse education and prevention to elementary and secondary schoolchildren;

[(5) program evaluations in accordance with section 14701 that address issues not addressed under section 4117(a);

[(6) direct services to schools and school systems afflicted with especially severe drug and violence problems;

[(7) activities in communities designated as empowerment zones or enterprise communities that will connect schools to community-wide efforts to reduce drug and violence problems;

[(8) developing and disseminating drug and violence prevention materials, including video-based projects and model curricula;

[(9) developing and implementing a comprehensive violence prevention strategy for schools and communities, that may include conflict resolution, peer mediation, the teaching of law and legal concepts, and other activities designed to stop violence;

[(10) the implementation of innovative activities, such as community service projects, designed to rebuild safe and healthy neighborhoods and increase students' sense of individual responsibility;

[(11) grants to noncommercial telecommunications entities for the production and distribution of national video-based projects that provide young people with models for conflict resolution and responsible decisionmaking;

[(12) the development of education and training programs, curricula, instructional materials, and professional training and development for preventing and reducing the incidence of crimes and conflicts motivated by hate in localities most directly affected by hate crimes; and

[(13) other activities that meet unmet national needs related to the purposes of this title.

[(b) PEER REVIEW.—The Secretary shall use a peer review process in reviewing applications for funds under this section.

[SEC. 4122. GRANTS TO INSTITUTIONS OF HIGHER EDUCATION.]

[(a) IN GENERAL.—From funds made available to carry out this subpart under section 4004(2), the Secretary is authorized to make grants to, or enter into contracts with, institutions of higher education, or consortia of such institutions, for drug and violence prevention programs under this section. Awards under this section shall support the development, implementation, validation, and dissemination of—

[(1) model programs and strategies to promote the safety of students attending institutions of higher education by preventing violent behavior and the illegal use of alcohol and other drugs by such students; and

[(2) such model programs and strategies shall be coordinated with the report required under section 204(a)(4)(B) of the Student Right-to-Know and Campus Security Act on policies, procedures and practices which have proven effective in the reduction of campus crime.

[(b) APPLICATIONS.—An institution of higher education, or consortium of such institutions, that desires to receive an award under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require. The Secretary shall use a peer review process for reviewing applications for funds under this section.

[(c) EQUITABLE PARTICIPATION.—The Secretary shall make every reasonable effort to ensure the equitable participation in the activities assisted under this section of private and public institutions of

higher education (including community and junior colleges), institutions of limited enrollment, and institutions in different geographic regions.

[SEC. 4123. HATE CRIME PREVENTION.]

[(a) GRANT AUTHORIZATION.]—From funds made available to carry out this subpart under section 4004(1) the Secretary may make grants to local educational agencies and community-based organizations for the purpose of providing assistance to localities most directly affected by hate crimes.

[(b) USE OF FUNDS.]—

[(1) PROGRAM DEVELOPMENT.]—Grants under this section may be used to improve elementary and secondary educational efforts, including—

[(A)] development of education and training programs designed to prevent and to reduce the incidence of crimes and conflicts motivated by hate;

[(B)] development of curricula for the purpose of improving conflict or dispute resolution skills of students, teachers, and administrators;

[(C)] development and acquisition of equipment and instructional materials to meet the needs of, or otherwise be part of, hate crime or conflict programs; and

[(D)] professional training and development for teachers and administrators on the causes, effects, and resolutions of hate crimes or hate-based conflicts.

[(2) IN GENERAL.]—In order to be eligible to receive a grant under this section for any fiscal year, a local educational agency, or a local educational agency in conjunction with a community-based organization, shall submit an application to the Secretary in such form and containing such information as the office may reasonably require.

[(3) REQUIREMENTS.]—Each application under paragraph (2) shall include—

[(A)] a request for funds for the purposes described in this section;

[(B)] a description of the schools and communities to be served by the grants; and

[(C)] assurances that Federal funds received under this section shall be used to supplement, not supplant, non-Federal funds.

[(4) COMPREHENSIVE PLAN.]—Each application shall include a comprehensive plan that contains—

[(A)] a description of the hate crime or conflict problems within the schools or the community targeted for assistance;

[(B)] a description of the program to be developed or augmented by such Federal and matching funds;

[(C)] assurances that such program or activity shall be administered by or under the supervision of the applicant;

[(D)] proper and efficient administration of such program; and

[(E)] fiscal control and fund accounting procedures as may be necessary to ensure prudent use, proper disburse-

ment, and accurate accounting of funds received under this section.

[(c) AWARD OF GRANTS.—

[(1) SELECTION OF RECIPIENTS.—The Secretary shall consider the incidence of crimes and conflicts motivated by bias in the targeted schools and communities in awarding grants under this section.

[(2) GEOGRAPHIC DISTRIBUTION.—The Secretary shall attempt, to the extent practicable, to achieve an equitable geographic distribution of grant awards.

[(3) DISSEMINATION OF INFORMATION.—The Secretary shall attempt, to the extent practicable, to make available information regarding successful hate crime prevention programs, including programs established or expanded with grants under this section.

[(d) REPORTS.—The Secretary shall submit to the Congress a report every two years which shall contain a detailed statement regarding grants and awards, activities of grant recipients, and an evaluation of programs established under this section.

[Subpart 3—General Provisions

[SEC. 4131. DEFINITIONS.

[For the purposes of this part:

[(1) COMMUNITY-BASED ORGANIZATION.—The term “community-based organization” means a private nonprofit organization which is representative of a community or significant segments of a community and which provides educational or related services to individuals in the community.

[(2) DRUG AND VIOLENCE PREVENTION.—The term “drug and violence prevention” means—

[(A) with respect to drugs, prevention, early intervention, rehabilitation referral, or education related to the illegal use of alcohol and the use of controlled, illegal, addictive, or harmful substances, including inhalants and anabolic steroids;

[(B) prevention, early intervention, smoking cessation activities, or education, related to the use of tobacco by children and youth eligible for services under this title; and

[(C) with respect to violence, the promotion of school safety, such that students and school personnel are free from violent and disruptive acts, including sexual harassment and abuse, and victimization associated with prejudice and intolerance, on school premises, going to and from school, and at school-sponsored activities, through the creation and maintenance of a school environment that is free of weapons and fosters individual responsibility and respect for the rights of others.

[(3) HATE CRIME.—The term “hate crime” means a crime as described in section 1(b) of the Hate Crime Statistics Act of 1990.

[(4) NONPROFIT.—The term “nonprofit”, as applied to a school, agency, organization, or institution means a school, agency, organization, or institution owned and operated by one

or more nonprofit corporations or associations, no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

[(5) SCHOOL-AGED POPULATION.—The term “school-aged population” means the population aged five through 17, as determined by the Secretary on the basis of the most recent satisfactory data available from the Department of Commerce.

[(6) SCHOOL PERSONNEL.—The term “school personnel” includes teachers, administrators, guidance counselors, social workers, psychologists, nurses, librarians, and other support staff who are employed by a school or who perform services for the school on a contractual basis.

[SEC. 4132. MATERIALS.

[(a) WRONG AND HARMFUL MESSAGE.—Drug prevention programs supported under this part shall convey a clear and consistent message that the illegal use of alcohol and other drugs is wrong and harmful.

[(b) CURRICULUM.—The Secretary shall not prescribe the use of specific curricula for programs supported under this part, but may evaluate the effectiveness of such curricula and other strategies in drug and violence prevention.

[SEC. 4133. PROHIBITED USES OF FUNDS.

[No funds under this part may be used for—

[(1) construction (except for minor remodeling needed to accomplish the purposes of this part); and

[(2) medical services, drug treatment or rehabilitation, except for pupil services or referral to treatment for students who are victims of or witnesses to crime or who use alcohol, tobacco, or drugs.

[PART C—ASSISTANCE TO ADDRESS SCHOOL DROPOUT PROBLEMS

[SEC. 5301. SHORT TITLE.

[This part may be cited as the “School Dropout Assistance Act”.

[SEC. 5302. PURPOSE.

[The purpose of this part is to reduce the number of children who do not complete their elementary and secondary education by providing grants to local educational agencies to establish—

[(1) effective programs to identify potential student dropouts, including pregnant and parenting teenagers, and prevent such students from dropping out of school;

[(2) effective programs to identify and encourage children who have already dropped out to reenter school and complete their elementary and secondary education;

[(3) effective early intervention programs designed to identify at-risk students in elementary and secondary schools; and

[(4) model systems for collecting and reporting information to local school officials on the number, ages, sex, race or ethnicity, and grade levels of the children not completing their elementary and secondary education and the reasons why such children have dropped out of school.

[SEC. 5303. GRANTS TO LOCAL EDUCATIONAL AGENCIES.

[(a) ALLOTMENT TO CATEGORIES OF LOCAL EDUCATIONAL AGENCIES.—From the amount appropriated under section 5308 for any fiscal year, the Secretary shall first reserve not more than \$2,000,000 for the purposes of evaluating programs carried out with assistance under this part in accordance with section 14701. From the remaining amount, the Secretary shall allot the following percentages to each of the following categories of local educational agencies:

[(1) Local educational agencies administering schools with a total enrollment of 100,000 or more elementary and secondary school students shall be allotted 25 percent of such remaining amount.

[(2) Local educational agencies administering schools with a total enrollment of at least 20,000 but less than 100,000 elementary and secondary school students shall be allotted 40 percent of such remaining amount.

[(3) Local educational agencies administering schools with a total enrollment of less than 20,000 elementary and secondary school students shall be allotted 30 percent of such remaining amount. Grants may be made under this paragraph to educational service agencies and consortia of not more than 5 local educational agencies in any case in which the total enrollment of the largest such local educational agency is less than 20,000 elementary and secondary students. Such agencies and consortia may also apply for assistance under this part in conjunction with the State educational agency. Not less than 20 percent of funds available under this paragraph shall be awarded to local educational agencies administering schools with a total enrollment of less than 2,000 elementary and secondary school students.

[(4) Community-based organizations shall be allotted 5 percent of such remaining amount. Grants under this paragraph shall be made after consultation between the community-based organization and the local educational agency that is to benefit from such a grant.

[(b) SPECIAL CONSIDERATION.—

[(1) IN GENERAL.—The Secretary shall give special consideration to awarding funds available for each category described in paragraphs (1), (2), and (3) of subsection (a) to local educational agencies participating in an educational partnership.

[(2) EDUCATIONAL PARTNERSHIPS.—For the purpose of this part the term ‘educational partnerships’ means a partnership between—

[(A) a local educational agency; and

[(B) a business concern or business organization, community-based organization, nonprofit private organization, institution of higher education, State educational agency, State or local public agency, private industry council (established under the Job Training Partnership Act), museum, library, or educational television or broadcasting station.

[(c) AWARD OF GRANT.—

[(1) IN GENERAL.—From the amount allotted for any fiscal year to a category of local educational agencies under subsection (a), the Secretary shall award as many grants as practicable within each such category to local educational agencies and educational partnerships whose applications have been approved by the Secretary for such fiscal year under section 5304 and whose applications propose a program of sufficient size, scope, and quality to be effective.

[(2) ADDITIONAL FUNDS.—Any local educational agency or educational partnership that has received a grant under this part shall be eligible for additional funds as provided under subsection (d).

[(3) TERMS AND CONDITIONS.—Grants under this part shall be made under such terms and conditions as the Secretary shall prescribe.

[(d) USE OF FUNDS WHEN NOT FULLY ALLOTTED TO CATEGORIES UNDER SUBSECTION (a).—

[(1) IN GENERAL.—Whenever the Secretary determines that the full amount of the sums allotted under any category set forth under subsection (a) will not be required for applications of the local educational agencies in the case of categories described in paragraphs (1), (2), or (3) of subsection (a), the Secretary shall make the amount not so required available to another category under subsection (a). In carrying out the provisions of this subsection, the Secretary shall assure that the transfer of amounts from one category to another is made to a category in which there is the greatest need for funds.

[(2) PEER REVIEW.—In order to transfer funds under this subsection, the Secretary shall use a peer review process to determine that such excess funds are not needed to fund projects in particular categories and shall prepare a list of the categories in which funds were not fully expended and the reasons therefor, and make such list available to local educational agencies and educational partnerships upon request. The Secretary may use the peer review process to determine grant recipients of funds transferred in accordance with this subsection.

[(e) FEDERAL SHARE.—

[(1) FEDERAL SHARE.—The Federal share of a grant under this part may not exceed—

[(A) 90 percent of the total cost of a project for the first year for which the project receives assistance under this part; and

[(B) 75 percent of such cost in each such succeeding fiscal year.

[(2) REMAINING COSTS.—The remaining cost of a project that receives assistance under this part may be paid from any source other than funds made available under this part, except that not more than 10 percent of the remaining cost in any fiscal year may be provided from Federal sources other than this part.

[(3) NON-FEDERAL SHARE.—The share of payments from sources other than funds made available under this part may

be in cash or in kind fairly evaluated, including plant, equipment or services.

[SEC. 5404. APPLICATION.

[(a) APPLICATION REQUIRED.—

[(1) IN GENERAL.—A grant under this part may be made only to a local educational agency or an educational partnership which submits an application to the Secretary containing such information as may be required by the Secretary by regulation.

[(2) DURATION.—Each such application shall be for a three-year period.

[(b) CONTENTS.—Each such application shall—

[(1) provide documentation of—

[(A) the number of children who were enrolled in the schools to be served by the applicant for the five academic years prior to the date application is made who have not completed their elementary or secondary education and who are classified as school dropouts; and

[(B) the percentage that such number of children is of the total school-age population in the applicant's schools;

[(2) include a plan for the development and implementation of a school dropout information collection and reporting system for documenting the extent and nature of the dropout problem, which system shall collect and cross tabulate data, where feasible, by sex according to race or ethnicity and socioeconomic status;

[(3) include a plan for coordinated activities involving not less than one secondary school and its feeder junior high or middle schools and elementary schools for local educational agencies that have feeder systems;

[(4) when applicable, describe how programs assisted under this part will be coordinated with, and not duplicate, programs assisted under title I;

[(5) include a description of how the program assisted under this part is consistent with the second National Education Goal, relating to school completion, and other Federal programs as appropriate; and

[(6) contain such other information as the Secretary considers necessary to determine the nature of the local needs, the quality of the proposed project, and the capability of the applicant to carry out the project.

[(c) PRIORITY.—The Secretary shall, in approving applications under this section, give priority to applications which—

[(1) demonstrate the replication of successful programs conducted in other local educational agencies or the expansion of successful programs within a local educational agency; and

[(2) reflect very high numbers or very high percentages of school dropouts in the schools of the applicant in each category described in section 5303(a).

[(d) SPECIAL CONSIDERATION.—The Secretary shall give additional special consideration to applications that include—

[(1) provisions which emphasize early intervention services designed to identify at-risk students in elementary or early secondary schools; and

[(2) provisions for significant parental involvement.

[(e) GRANTS FOR NEW GRANTEES.—In awarding grants under this part the Secretary shall use only the priorities and special considerations described in subsections (c) and (d).

[(f) CONTINUATION OF ASSISTANCE.—For the two fiscal years beginning after the date of enactment of the Improving America's Schools Act of 1994, the Secretary shall approve an application under this section for a local educational agency which received funding in fiscal year 1994 under the School Dropout Demonstration Assistance Act of 1988 (20 U.S.C. 3241 et seq.) and which—

[(1) satisfies the requirements of this section;

[(2) qualifies for special consideration or priority under—

[(A) section 5303(b); and

[(B) subsections (c) and (d) of this section; and

[(3) provides evidence that the program for which such agency is seeking assistance is effective in—

[(A) providing early intervention services to at-risk students in elementary and secondary schools;

[(B) identifying potential student dropouts; and

[(C) preventing students from dropping out of school.

[SEC. 5305. AUTHORIZED ACTIVITIES.

[Grants under this part shall be used to carry out activities and services described in applications approved under section 5304. In addition, grants may be used for educational, occupational, and basic skills testing services and activities, including—

[(1) the establishment of systemwide or school-level policies, procedures, and plans for dropout prevention and school re-entry;

[(2) the development and implementation of activities, including extended day or summer programs, designed to address poor achievement, basic skills deficiencies, language deficiencies, or course failures, in order to assist students at risk of dropping out of school and students reentering school, including youth returning to school from a correctional or other facility operated for delinquent youth;

[(3) the establishment or expansion of work-study, apprenticeship, or internship programs;

[(4) the use of resources of the community, including contracting with public or private entities or community-based organizations of demonstrated performance, to provide services to the grant recipient or the target population;

[(5) the evaluation and revision of program placement of students at risk;

[(6) the evaluation of program effectiveness of dropout programs;

[(7) the development and implementation of programs for traditionally underserved groups of students;

[(8) the implementation of activities which will improve student motivation and the school learning environment;

[(9) the provision of training for school personnel on strategies and techniques designed to—

[(A) identify children at risk of dropping out of school;

[(B) intervene in the instructional program for such children with support and remedial services;

[(C) develop realistic expectations for student performance; and

[(D) improve student-staff interactions;

[(10) the study of the relationship between drugs and school dropouts and between youth gangs and school dropouts, and the coordination of dropout prevention and reentry programs with appropriate drug prevention and community organizations for the prevention of youth gangs;

[(11) the study of the relationship between disabling conditions and student dropouts;

[(12) the study of the relationship between the dropout rate for gifted and talented students compared to the dropout rate for the general student enrollment;

[(13) the use of educational telecommunications and broadcasting technologies and educational materials designed to extend, motivate, and reinforce school, community, and home dropout prevention and reentry activities;

[(14) the development and implementation of efforts to identify and address factors in a student's decision to drop out of school that are related to gender and family roles, including activities and services designed to meet the needs of pregnant and parenting teenagers;

[(15) the provision of other educational, occupational and testing services and activities which directly relate to the purpose of this part;

[(16) activities which offer jobs and college admissions for successful completion of the program for which assistance is sought;

[(17) summer employment programs;

[(18) occupational training programs;

[(19) career opportunity and skills counseling;

[(20) job placement services;

[(21) the development of skill employment competency testing programs;

[(22) special school staff training projects; and

[(23) mentoring programs.

[SEC. 5306. DISTRIBUTION OF ASSISTANCE; LIMITATION ON COSTS.

[(a) DISTRIBUTION OF ASSISTANCE.—The Secretary shall ensure that, to the extent practicable, in approving grant applications under this part—

[(1) grants are equitably distributed on a geographic basis within each category set forth in section 5303(a);

[(2) the amount of a grant to a local educational agency or an educational partnership for a fiscal year is proportionate to the extent and severity of the local school dropout problem;

[(3) not less than 30 percent of the amount available for grants in each fiscal year is used for activities relating to school dropout prevention; and

[(4) not less than 30 percent of the amount available for grants in each fiscal year is used for activities relating to persuading school dropouts to return to school and assisting former school dropouts with specialized services once school dropouts return to school.

[(b) ADMINISTRATIVE COSTS.—Not more than five percent of any grant made under this part may be used for administrative costs.

[SEC. 5307. REPORTS.

[(a) ANNUAL REPORTS.—The Secretary shall submit to the Congress a report by January 1 of each year, beginning on January 1, 1995, which sets forth the progress of the Commissioner of Education Statistics, established under section 403(b) of the National Education Statistics Act of 1994, to implement a definition and data collection process for school dropouts in elementary and secondary schools, including statistical information for the number and percentage of elementary and secondary school students by gender, race, and ethnic origin who drop out of school each year, including dropouts—

[(1) throughout the Nation by rural and urban location as defined by the Secretary; and

[(2) in each of the individual States and the District of Columbia.

[(b) RECOMMENDATIONS.—The report under subsection (a) shall also contain recommendations on ways in which the Federal Government, States and localities can further support the implementation of an effective methodology to accurately measure school dropout and retention rates on the national, State, and local levels.

[SEC. 5308. AUTHORIZATION OF APPROPRIATIONS.

[There are authorized to be appropriated \$50,000,000 for fiscal year 1995, and such sums as may be necessary for each of the 4 succeeding fiscal years, to carry out this part.]

TITLE XIV—GENERAL PROVISIONS

PART A—DEFINITIONS

SEC. 14101. DEFINITIONS.

* * * * *

(10) COVERED PROGRAM.—The term “covered program” means each of the programs authorized by—

(A) part A of title I;

(B) part C of title I;

(C) title II (other than section 2103 and part C);

(D) subpart 2 of part A of title III; *and*

[(E) part A of title IV (other than section 4114); and]

[(F)](E) title VI.

* * * * *

PART C—COORDINATION OF PROGRAMS; CONSOLIDATED STATE AND LOCAL PLANS AND APPLICATIONS

* * * * *

SEC. 14302. OPTIONAL CONSOLIDATED STATE PLANS OR APPLICATIONS.

(a) GENERAL AUTHORITY.— * * *

* * * * *

[(B)] the Prevention and Intervention Programs for Youth Who Are Neglected, Delinquent, or At-Risk of Dropping Out under part D of title I;]

[(C)](B) programs under part A of title II of the Carl D. Perkins Vocational and Applied Technology Education Act;

[(D)](C) programs under the Goals 2000: Educate America Act;

[(E)](D) programs under the School-to-Work Opportunities Act of 1994; and

[(F)](E) such other programs as the Secretary may designate.

* * * * *

PART B—FLEXIBILITY IN THE USE OF ADMINISTRATIVE AND OTHER FUNDS

SEC. 14201. CONSOLIDATION OF STATE ADMINISTRATIVE FUNDS FOR ELEMENTARY AND SECONDARY EDUCATION PROGRAMS.

(a) CONSOLIDATION OF ADMINISTRATIVE FUNDS.—* * *

* * * * *

(2) APPLICABILITY.—This section applies to programs under title I, those covered programs described in [subparagraphs (C), (D), (E), and (F) of section 14101(10)] *subparagraphs (C), (D), and (E) of section 14101(10)*, and administrative funds under section 308(c) of the Goals 2000: Educate America Act.

* * * * *

SEC. 14307. RELATIONSHIP OF STATE AND LOCAL PLANS TO PLANS UNDER THE GOALS 2000: EDUCATE AMERICA ACT.

(a) STATE PLANS.—* * *

* * * * *

[(C)] Part D of title I (education of neglected, delinquent, and at-risk youth).]

[(D)](C) Title II (professional development).

[(E)] Title IV (safe and drug-free schools).]

[(F)](D) Title VI (innovative education program strategies).

[(G)](E) Subpart 4 of part A of title IX (Indian education).

* * * * *

(b) LOCAL PLANS.—

(1) IN GENERAL.—* * *

* * * * *

[(C)] Title IV (safe and drug-free schools).]

[(D)](C) Subpart 4 of part A of title IX (Indian education).

[(E)](D) Subpart 1 of part A of title VII (bilingual education).

[(F)](E) Title VI (innovative education program strategies).

~~[(G)]~~(F) Part C of title VII (emergency immigrant education).

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PART E—UNIFORM PROVISIONS

* * * * *

SEC. 14503. PARTICIPATION BY PRIVATE SCHOOL CHILDREN AND TEACHERS.

(a) PRIVATE SCHOOL PARTICIPATION.— * * *

* * * * *

(b) APPLICABILITY.—

(1) IN GENERAL.—This section applies to programs under—

(A) part C of title I (migrant education);

(B) title II (other than section 2103 and part C of such title);

(C) title VII; *and*

(D) title III (other than part B of such title) (Star Schools)~~]; and~~.

~~[(E) part A of title IV (other than section 4114).]~~

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JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1974

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TITLE II—JUVENILE JUSTICE AND DELINQUENCY PREVENTION

PART A—JUVENILE JUSTICE AND DELINQUENCY PREVENTION OFFICE

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~~[(PART D—GANG-FREE SCHOOLS AND COMMUNITIES; COMMUNITY-BASED GANG INTERVENTION~~

~~[(Subpart I—Gang-Free Schools and Communities~~

~~[(AUTHORITY TO MAKE GRANTS AND CONTRACTS~~

[SEC. 281. (a) The Administrator shall make grants to or enter into contracts with public agencies (including local educational agencies) and private nonprofit agencies, organizations, and institutions to establish and support programs and activities that involve families and communities and that are designed to carry out any of the following purposes:

~~[(1) To prevent and to reduce the participation of juveniles in the activities of gangs that commit crimes. Such programs and activities may include—~~

~~[(A) individual, peer, family, and group counseling, including the provision of life skills training and preparation for living independently, which shall include cooperation with social services, welfare, and health care programs;~~

~~[(B) education and social services designed to address the social and developmental needs of juveniles which such~~

juveniles would otherwise seek to have met through membership in gangs;

[(C) crisis intervention and counseling to juveniles, who are particularly at risk of gang involvement, and their families, including assistance from social service, welfare, health care, mental health, and substance abuse prevention and treatment agencies where necessary;

[(D) the organization of neighborhood and community groups to work closely with parents, schools, law enforcement, and other public and private agencies in the community; and

[(E) training and assistance to adults who have significant relationships with juveniles who are or may become members of gangs, to assist such adults in providing constructive alternatives to participating in the activities of gangs.

[(2) To develop within the juvenile adjudicatory and correctional systems new and innovative means to address the problems of juveniles convicted of serious drug-related and gang-related offenses.

[(3) To target elementary school students, with the purpose of steering students away from gang involvement.

[(4) To provide treatment to juveniles who are members of such gangs, including members who are accused of committing a serious crime and members who have been adjudicated as being delinquent.

[(5) To promote the involvement of juveniles in lawful activities in geographical areas in which gangs commit crimes.

[(6) To promote and support, with the cooperation of community-based organizations experienced in providing services to juveniles engaged in gang-related activities and the cooperation of local law enforcement agencies, the development of policies and activities in public elementary and secondary schools which will assist such schools in maintaining a safe environment conducive to learning.

[(7) To assist juveniles who are or may become members of gangs to obtain appropriate educational instruction, in or outside a regular school program, including the provision of counseling and other services to promote and support the continued participation of such juveniles in such instructional programs.

[(8) To expand the availability of prevention and treatment services relating to the illegal use of controlled substances and controlled substances analogues (as defined in paragraphs (6) and (32) of section 102 of the Controlled Substances Act) (21 U.S.C. 802) by juveniles, provided through State and local health and social services agencies.

[(9) To provide services to prevent juveniles from coming into contact with the juvenile justice system again as a result of gang-related activity.

[(10) To provide services authorized in this section at a special location in a school or housing project.

[(11) To support activities to inform juveniles of the availability of treatment and services for which financial assistance is available under this subpart.

[(b) From not more than 15 percent of the amount appropriated to carry out this part in each fiscal year, the Administrator may make grants to and enter into contracts with public agencies and private nonprofit agencies, organizations, and institutions—

[(1) to conduct research on issues related to juvenile gangs;

[(2) to evaluate the effectiveness of programs and activities funded under subsection (a); and

[(3) to increase the knowledge of the public (including public and private agencies that operate or desire to operate gang prevention and intervention programs) by disseminating information on research and on effective programs and activities funded under this subpart.

[APPROVAL OF APPLICATIONS

[SEC. 281A. (a) Any agency, organization, or institution desiring to receive a grant, or to enter into a contract, under this subpart shall submit an application at such time, in such manner, and containing such information as the Administrator may prescribe.

[(b) In accordance with guidelines established by the Administrator, each application submitted under subsection (a) shall—

[(1) set forth a program or activity for carrying out one or more of the purposes specified in section 281 and specifically identify each such purpose such program or activity is designed to carry out;

[(2) provide that such program or activity shall be administered by or under the supervision of the applicant;

[(3) provide for the proper and efficient administration of such program or activity;

[(4) provide for regular evaluation of such program or activity;

[(5) provide an assurance that the proposed program or activity will supplement, not supplant, similar programs and activities already available in the community;

[(6) describe how such program or activity is coordinated with programs, activities, and services available locally under parts B or C of this title, and under chapter 1 of subtitle B of title III of the Anti-Drug Abuse Act of 1988 (42 U.S.C. 11801–11805);

[(7) certify that the applicant has requested the State planning agency to review and comment on such application and summarizes the responses of such State planning agency to such request;

[(8) provide that regular reports on such program or activity shall be sent to the Administrator and to such State planning agency; and

[(9) provide for such fiscal control and fund accounting procedures as may be necessary to ensure prudent use, proper disbursement, and accurate accounting of funds received under this subpart.

[(c) In reviewing applications for grants and contracts under section 281(a), the Administrator shall give priority to applications—

[(1) submitted by, or substantially involving, local educational agencies (as defined in section 1471 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2891));

[(2) based on the incidence and severity of crimes committed by gangs whose membership is composed primarily of juveniles in the geographical area in which the applicants propose to carry out the programs and activities for which such grants and contracts are requested; and

[(3) for assistance for programs and activities that—

[(A) are broadly supported by public and private nonprofit agencies, organizations, and institutions located in such geographical area; and

[(B) will substantially involve the families of juvenile gang members in carrying out such programs or activities.

[Subpart II—Community-Based Gang Intervention

[LACKS SECTION HEADING]

[SEC. 282. (a) The Administrator shall make grants to or enter into contracts with public and private nonprofit agencies, organizations, and institutions to carry out programs and activities—

[(1) to reduce the participation of juveniles in the illegal activities of gangs;

[(2) to develop regional task forces involving State, local, and community-based organizations to coordinate enforcement, intervention, and treatment efforts for juvenile gang members and to curtail interstate activities of gangs; and

[(3) to facilitate coordination and cooperation among—

[(A) local education, juvenile justice, employment, and social service agencies; and

[(B) community-based programs with a proven record of effectively providing intervention services to juvenile gang members for the purpose of reducing the participation of juveniles in illegal gang activities; and

[(4) to support programs that, in recognition of varying degrees of the seriousness of delinquent behavior and the corresponding gradations in the responses of the juvenile justice system in response to that behavior, are designed to—

[(A) encourage courts to develop and implement a continuum of post-adjudication restraints that bridge the gap between traditional probation and confinement in a correctional setting (including expanded use of probation, mediation, restitution, community service, treatment, home detention, intensive supervision, electronic monitoring, boot camps and similar programs, and secure community-based treatment facilities linked to other support services such as health, mental health, education (remedial and special), job training, and recreation); and

[(B) assist in the provision by the Administrator of information and technical assistance, including technology transfer, to States in the design and utilization of risk assessment mechanisms to aid juvenile justice personnel in determining appropriate sanctions for delinquent behavior.

[(b) Programs and activities for which grants and contracts are to be made under subsection (a) may include—

[(1) developing within the juvenile adjudicatory and correctional systems new and innovative means to address the problems of juveniles convicted of serious drug-related and gang-related offenses;

[(2) providing treatment to juveniles who are members of such gangs, including members who are accused of committing a serious crime and members who have been adjudicated as being delinquent;

[(3) promoting the involvement of juveniles in lawful activities in geographical areas in which gangs commit crimes;

[(4) expanding the availability of prevention and treatment services relating to the illegal use of controlled substances and controlled substances analogues (as defined in paragraphs (6) and (32) of section 102 of the Controlled Substances Act (21 U.S.C. 802) by juveniles, provided through State and local health and social services agencies;

[(5) providing services to prevent juveniles from coming into contact with the juvenile justice system again as a result of gang-related activity; or

[(6) supporting activities to inform juveniles of the availability of treatment and services for which financial assistance is available under this subpart.

APPROVAL OF APPLICATIONS

[SEC. 282A. (a) Any agency, organization, or institution desiring to receive a grant, or to enter into a contract, under this subpart shall submit an application at such time, in such manner, and containing such information as the Administrator may prescribe.

[(b) In accordance with guidelines established by the Administrator, each application submitted under subsection (a) shall—

[(1) set forth a program or activity for carrying out one or more of the purposes specified in section 282 and specifically identify each such purpose such program or activity is designed to carry out;

[(2) provide that such program or activity shall be administered by or under the supervision of the applicant;

[(3) provide for the proper and efficient administration of such program or activity;

[(4) provide for regular evaluation of such program or activity;

[(5) provide an assurance that the proposed program or activity will supplement, not supplant, similar programs and activities already available in the community;

[(6) describe how such program or activity is coordinated with programs, activities, and services available locally under parts B or C of this title, and under chapter 1 of subtitle B of title III of the Anti-Drug Abuse Act of 1988 (42 U.S.C. 11801–11805);

[(7) certify that the applicant has requested the State planning agency to review and comment on such application and summarizes the responses of such State planning agency to such request;

[(8) provide that regular reports on such program or activity shall be sent to the Administrator and to such State planning agency; and

[(9) provide for such fiscal control and fund accounting procedures as may be necessary to ensure prudent use, proper disbursement, and accurate accounting of funds received under this subpart.

[(c) In reviewing applications for grants and contracts under section 285(a), the Administrator shall give priority to applications—

[(1) submitted by, or substantially involving, community-based organizations experienced in providing services to juveniles;

[(2) based on the incidence and severity of crimes committed by gangs whose membership is composed primarily of juveniles in the geographical area in which the applicants propose to carry out the programs and activities for which such grants and contracts are requested; and

[(3) for assistance for programs and activities that—

[(A) are broadly supported by public and private non-profit agencies, organizations, and institutions located in such geographical area; and

[(B) will substantially involve the families of juvenile gang members in carrying out such programs or activities.

[(Subpart III—General Provisions

[(DEFINITION

[(SEC. 283. For purposes of this part, the term “juvenile” means an individual who is less than 22 years of age.

[(PART G—MENTORING

[(PURPOSES

[(SEC. 288. The purposes of this part are—

[(1) to reduce juvenile delinquency and gang participation;

[(2) to improve academic performance; and

[(3) to reduce the dropout rate,
through the use of mentors for at-risk youth.

[(DEFINITIONS

[(SEC. 288A. For purposes of this part—

[(1) the term “at-risk youth” means a youth at risk of educational failure or dropping out of school or involvement in delinquent activities; and

[(2) the term “mentor” means a person who works with an at-risk youth on a one-to-one basis, establishing a supportive relationship with the youth and providing the youth with academic assistance and exposure to new experiences that enhance the youth’s ability to become a responsible citizen.

[(GRANTS

[(SEC. 288B. The Administrator shall, by making grants to and entering into contracts with local educational agencies (each of which agency shall be in partnership with a public or private agen-

cy, institution, or business), establish and support programs and activities for the purpose of implementing mentoring programs that—

[(1) are designed to link at-risk children, particularly children living in high crime areas and children experiencing educational failure, with responsible adults such as law enforcement officers, persons working with local businesses, and adults working for community-based organizations and agencies; and

[(2) are intended to achieve 1 or more of the following goals:

[(A) Provide general guidance to at-risk youth.

[(B) Promote personal and social responsibility among at-risk youth.

[(C) Increase at-risk youth's participation in and enhance their ability to benefit from elementary and secondary education.

[(D) Discourage at-risk youth's use of illegal drugs, violence, and dangerous weapons, and other criminal activity.

[(E) Discourage involvement of at-risk youth in gangs.

[(F) Encourage at-risk youth's participation in community service and community activities.

REGULATIONS AND GUIDELINES

[SEC. 288C. (a) PROGRAM GUIDELINES.—The Administrator shall issue program guidelines to implement this part. The program guidelines shall be effective only after a period for public notice and comment.

[(b) MODEL SCREENING GUIDELINES.—The Administrator shall develop and distribute to program participants specific model guidelines for the screening of prospective program mentors.

USE OF GRANTS

[SEC. 288D. (a) PERMITTED USES.—Grants awarded pursuant to this part shall be used to implement mentoring programs, including—

[(1) hiring of mentoring coordinators and support staff;

[(2) recruitment, screening, and training of adult mentors;

[(3) reimbursement of mentors for reasonable incidental expenditures such as transportation that are directly associated with mentoring; and

[(4) such other purposes as the Administrator may reasonably prescribe by regulation.

[(b) PROHIBITED USES.—Grants awarded pursuant to this part shall not be used—

[(1) to directly compensate mentors, except as provided pursuant to subsection (a)(3);

[(2) to obtain educational or other materials or equipment that would otherwise be used in the ordinary course of the grantee's operations;

[(3) to support litigation of any kind; or

[(4) for any other purpose reasonably prohibited by the Administrator by regulation.

【PRIORITY

【SEC. 288E. (a) IN GENERAL.—In making grants under this part, the Administrator shall give priority for awarding grants to applicants that—

 【(1) serve at-risk youth in high crime areas;

 【(2) have 60 percent or more of their youth eligible to receive funds under the Elementary and Secondary Education Act of 1965; and

 【(3) have a considerable number of youth who drop out of school each year.

【(b) OTHER CONSIDERATIONS.—In making grants under this part, the Administrator shall give consideration to—

 【(1) the geographic distribution (urban and rural) of applications;

 【(2) the quality of a mentoring plan, including—

 【(A) the resources, if any, that will be dedicated to providing participating youth with opportunities for job training or postsecondary education; and

 【(B) the degree to which parents, teachers, community-based organizations, and the local community participate in the design and implementation of the mentoring plan; and

 【(3) the capability of the applicant to effectively implement the mentoring plan.

【APPLICATIONS

【SEC. 288F. An application for assistance under this part shall include—

 【(1) information on the youth expected to be served by the program;

 【(2) a provision for a mechanism for matching youth with mentors based on the needs of the youth;

 【(3) an assurance that no mentor will be assigned to more than one youth, so as to ensure a one-to-one relationship;

 【(4) an assurance that projects operated in secondary schools will provide youth with a variety of experiences and support, including—

 【(A) an opportunity to spend time in a work environment and, when possible, participate in the work environment;

 【(B) an opportunity to witness the job skills that will be required for youth to obtain employment upon graduation;

 【(C) assistance with homework assignments; and

 【(D) exposure to experiences that youth might not otherwise encounter;

 【(5) an assurance that projects operated in elementary schools will provide youth with—

 【(A) academic assistance;

 【(B) exposure to new experiences and activities that youth might not encounter on their own; and

 【(C) emotional support;

 【(6) an assurance that projects will be monitored to ensure that each youth benefits from a mentor relationship, with pro-

vision for a new mentor assignment if the relationship is not beneficial to the youth;

[(7) the method by which mentors and youth will be recruited to the project;

[(8) the method by which prospective mentors will be screened; and

[(9) the training that will be provided to mentors.

[GRANT CYCLES

[SEC. 288G. Grants under this part shall be made for 3-year periods.

[REPORTS

[SEC. 288H. Not later than 120 days after the completion of the first cycle of grants under this part, the Administrator shall submit to Congress a report regarding the success and effectiveness of the grant program in reducing juvenile delinquency and gang participation, improving academic performance, and reducing the dropout rate.]

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[TITLE V—INCENTIVE GRANTS FOR LOCAL DELINQUENCY PREVENTION PROGRAMS

[SEC. 501. SHORT TITLE.

[This title may be cited as the “Incentive Grants for Local Delinquency Prevention Programs Act”.

[SEC. 502. FINDINGS.

[The Congress finds that—

[(1) approximately 700,000 youth enter the juvenile justice system every year;

[(2) Federal, State, and local governments spend close to \$2,000,000,000 a year confining many of those youth;

[(3) it is more effective in both human and fiscal terms to prevent delinquency than to attempt to control or change it after the fact;

[(4) half or more of all States are unable to spend any juvenile justice formula grant funds on delinquency prevention because of other priorities;

[(5) few Federal resources are dedicated to delinquency prevention; and

[(6) Federal incentives are needed to assist States and local communities in mobilizing delinquency prevention policies and programs.

[SEC. 503. DEFINITION.

[In this title, the term “State advisory group” means the advisory group appointed by the chief executive officer of a State under a plan described in section 223(a).

[SEC. 504. DUTIES AND FUNCTIONS OF THE ADMINISTRATOR.

[The Administrator shall—

[(1) issue such rules as are necessary or appropriate to carry out this title;

[(2) make such arrangements as are necessary and appropriate to facilitate coordination and policy development among all activities funded through the Department of Justice relating to delinquency prevention (including the preparation of an annual comprehensive plan for facilitating such coordination and policy development);

[(3) provide adequate staff and resources necessary to properly carry out this title; and

[(4) not later than 180 days after the end of each fiscal year, submit a report to the Chairman of the Committee on Education and Labor of the House of Representatives and the Chairman of the Committee on the Judiciary of the Senate—

[(A) describing activities and accomplishments of grant activities funded under this title;

[(B) describing procedures followed to disseminate grant activity products and research findings;

[(C) describing activities conducted to develop policy and to coordinate Federal agency and interagency efforts related to delinquency prevention; and

[(D) identifying successful approaches and making recommendations for future activities to be conducted under this title.

[SEC. 505. GRANTS FOR PREVENTION PROGRAMS.]

[(a) PURPOSES.—The Administrator may make grants to a State, to be transmitted through the State advisory group to units of general local government that meet the requirements of subsection (b), for delinquency prevention programs and activities for youth who have had contact with the juvenile justice system or who are likely to have contact with the juvenile justice system, including the provision to children, youth, and families of—

[(1) recreation services;

[(2) tutoring and remedial education;

[(3) assistance in the development of work awareness skills;

[(4) child and adolescent health and mental health services;

[(5) alcohol and substance abuse prevention services;

[(6) leadership development activities; and

[(7) the teaching that people are and should be held accountable for their actions.

[(b) ELIGIBILITY.—The requirements of this subsection are met with respect to a unit of general local government if—

[(1) the unit is in compliance with the requirements of part B of title II;

[(2) the unit has submitted to the State advisory group a 3-year plan outlining the unit's local front end plans for investment for delinquency prevention and early intervention activities;

[(3) the unit has included in its application to the Administrator for formula grant funds a summary of the 3-year plan described in paragraph (2);

[(4) pursuant to its 3-year plan, the unit has appointed a local policy board of no fewer than 15 and no more than 21 members with balanced representation of public agencies and

private, nonprofit organizations serving children, youth, and families and business and industry;

[(5) the unit has, in order to aid in the prevention of delinquency, included in its application a plan for the coordination of services to at-risk youth and their families, including such programs as nutrition, energy assistance, and housing;

[(6) the local policy board is empowered to make all recommendations for distribution of funds and evaluation of activities funded under this title; and

[(7) the unit or State has agreed to provide a 50 percent match of the amount of the grant, including the value of in-kind contributions, to fund the activity.

[(c) PRIORITY.—In considering grant applications under this section, the Administrator shall give priority to applicants that demonstrate ability in—

[(1) plans for service and agency coordination and collaboration including the colocation of services;

[(2) innovative ways to involve the private nonprofit and business sector in delinquency prevention activities; and

[(3) developing or enhancing a statewide subsidy program to local governments that is dedicated to early intervention and delinquency prevention.

[SEC. 506. AUTHORIZATION OF APPROPRIATIONS.

[To carry out this title, there are authorized to be appropriated \$30,000,000 for fiscal year 1993 and such sums as are necessary for fiscal years 1994, 1995, and 1996.]

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ANTI-DRUG ABUSE ACT OF 1988

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TITLE III—DRUG ABUSE EDUCATION AND PREVENTION

* * * * *

Subtitle B—Drug Abuse Education and Prevention

[CHAPTER 1—DRUG EDUCATION AND PREVENTION RELATING TO YOUTH GANGS

[SEC. 3501. ESTABLISHMENT OF DRUG ABUSE EDUCATION AND PREVENTION PROGRAM RELATING TO YOUTH GANGS.

[The Secretary of Health and Human Services, through the Administration on Children, Youth, and Families, shall make grants to, and enter into contracts with, public and nonprofit private agencies (including agencies described in paragraph (7)(A) acting jointly), organizations (including community based organizations with demonstrated experience in this field), institutions, and individuals, to carry out projects and activities—

[(1) to prevent and to reduce the participation of youth in the activities of gangs that engage in illicit drug-related activities,

[(2) to promote the involvement of youth in lawful activities in communities in which such gangs commit drug-related crimes,

[(3) to prevent the abuse of drugs by youth, to educate youth about such abuse, and to refer for treatment and rehabilitation members of such gangs who abuse drugs,

[(4) to support activities of local police departments and other local law enforcement agencies to conduct educational outreach activities in communities in which gangs commit drug-related crimes,

[(5) to inform gang members and their families of the availability of treatment and rehabilitation services for drug abuse,

[(6) to facilitate Federal and State cooperation with local school officials to assist youth who are likely to participate in gangs that commit drug-related crimes,

[(7) to facilitate coordination and cooperation among—

[(A) local education, juvenile justice, employment and social service agencies, and

[(B) drug abuse referral, treatment, and rehabilitation programs,

for the purpose of preventing or reducing the participation of youth in activities of gangs that commit drug-related crimes, and

[(8) to provide technical assistance to eligible organizations in planning and implementing drug abuse education, prevention, rehabilitation, and referral programs for youth who are members of gangs that commit drug-related crimes.

[SEC. 3502. APPLICATION FOR GRANTS AND CONTRACTS.

[(a) SUBMISSION OF APPLICATIONS.—Any agency, organization, institution, or individual desiring to receive a grant, or to enter into a contract, under section 3501 shall submit to the Secretary an application at such time, in such manner, and containing or accompanied by such information as the Secretary may require by rule.

[(b) CONTENTS OF APPLICATION.—Each application for assistance under this chapter shall—

[(1) set forth a project or activity for carrying out one or more of the purposes specified in section 3501 and specifically identify each such purpose such project or activity is designed to carry out,

[(2) provide that such project or activity shall be administered by or under the supervision of the applicant,

[(3) provide for the proper and efficient administration of such project or activity,

[(4) provide for regular evaluation of the operation of such project or activity,

[(5) provide that regular reports on such project or activity shall be submitted to the Secretary, and

[(6) provide such fiscal control and fund accounting procedures as may be necessary to ensure prudent use, proper dis-

bursement, and accurate accounting of funds received under this chapter.

[SEC. 3503. APPROVAL OF APPLICATIONS.]

[In selecting among applications submitted under section 3502(a), the Secretary shall give priority to applicants who propose to carry out projects and activities—

[(1) for the purposes specified in section 3501 in geographical areas in which frequent and severe drug-related crimes are committed by gangs whose membership is composed primarily of youth, and

[(2) that the applicant demonstrates have the broad support of community based organizations in such geographical areas.

[SEC. 3504. COORDINATION WITH JUVENILE JUSTICE PROGRAMS.]

[The Secretary shall coordinate the program established by section 3501 with the programs and activities carried out under the Juvenile Justice and Delinquency Prevention Act of 1974 and with the programs and activities of the Attorney General, to ensure that all such programs and activities are complementary and not duplicative.

[SEC. 3505. AUTHORIZATION OF APPROPRIATIONS.]

[To carry out this chapter, there are authorized to be appropriated \$16,000,000 for fiscal year 1992 and such sums as may be necessary for fiscal years 1993 and 1994.

(42 U.S.C. 11805)

[SEC. 3506. ANNUAL REPORT.]

[Not later than 180 days after the end of each fiscal year, the Secretary shall submit, to the Speaker of the House of Representatives and the President pro tempore of the Senate, a report describing—

[(1) the types of projects and activities for which grants and contracts were made under this chapter for such fiscal year,

[(2) the number and characteristics of the youth and families served by such projects and activities, and

[(3) each of such projects and activities the Secretary considers to be exemplary.

[CHAPTER 2—PROGRAM FOR RUNAWAY AND HOMELESS YOUTH]

[SEC. 3511. ESTABLISHMENT OF PROGRAM.]

[(a) The Secretary shall make grants to public and private non-profit agencies, organizations, and institutions to carry out research, demonstration, and services projects designed—

[(1) to provide individual, family, and group counseling to runaway youth and their families and to homeless youth for the purpose of preventing or reducing the illicit use of drugs by such youth,

[(2) to develop and support peer counseling programs for runaway and homeless youth related to the illicit use of drugs,

[(3) to develop and support community education activities related to illicit use of drugs by runaway and homeless youth, including outreach to youth individually,

[(4) to provide to runaway and homeless youth in rural areas assistance (including the development of community support groups) related to the illicit use of drugs,

[(5) to provide to individuals involved in providing services to runaway and homeless youth, information and training regarding issues related to the illicit use of drugs by runaway and homeless youth,

[(6) to support research on the illicit drug use by runaway and homeless youth, and the effects on such youth of drug abuse by family members, and any correlation between such use and attempts at suicide, and

[(7) to improve the availability and coordination of local services related to drug abuse, for runaway and homeless youth.

[(b) PRIORITY.—In selecting among applicants for grants under subsection (a), the Secretary shall give priority to agencies and organizations that have experience in providing services to runaway and homeless youth.

[(c) LIMITATION.—Grants under this section may be made for a period not to exceed 3 years.

[SEC. 3512. ANNUAL REPORT.]

[Not later than 180 days after the end of a fiscal year for which funds are appropriated to carry out this chapter, the Secretary shall submit to the President, the Speaker of the House of Representatives, and the President pro tempore of the Senate a report that contains—

[(1) a description of the types of projects and activities for which grants were made under this chapter for such fiscal year,

[(2) a description of the number and characteristics of the youth and families served by such projects and activities, and

[(3) a description of exemplary projects and activities for which grants were made under this chapter for such fiscal year.

[SEC. 3513. AUTHORIZATION OF APPROPRIATIONS.]

[To carry out this chapter, there are authorized to be appropriated \$16,000,000 for fiscal year 1992 and such sums as may be necessary for fiscal years 1993 and 1994.

[SEC. 3514. APPLICATIONS.]

[(a) SUBMISSION OF APPLICATION.—Any State, unit of local government (or combination of units of local government), agency, organization, institution, or individual desiring to receive a grant, or enter into a contract, under this chapter shall submit an application at such time, in such manner, and containing or accompanied by such information as may be prescribed by the Federal officer who is authorized to make such grant or enter into such contract (hereinafter in this chapter referred to as the “appropriate Federal officer”).

[(b) CONTENTS OF APPLICATION.—In accordance with guidelines established by the appropriate Federal officer, each application for assistance under this chapter shall—

[(1) set forth a project or activity for carrying out one or more of the purposes for which such grant or contract is au-

thorized to be made and expressly identify each such purpose such project or activity is designed to carry out,

[(2) provide that such project or activity shall be administered by or under the supervision of the applicant,

[(3) provide for the proper and efficient administration of such project or activity,

[(4) provide for regular evaluation of such project or activity,

[(5) provide that regular reports on such project or activity shall be sent to the appropriate Federal officer, and

[(6) provide for such fiscal control and fund accounting procedures as may be necessary to ensure prudent use, proper disbursement, and accurate accounting of funds received under this chapter.

[SEC. 3515. REVIEW OF APPLICATIONS.

[(a) CONSIDERATION OF FACTORS.—In reviewing applications submitted under this chapter, the appropriate Federal officer shall consider—

[(1) the relative cost and effectiveness of the proposed project or activity in carrying out purposes for which the requested grant or contract is authorized to be made,

[(2) the extent to which such project or activity will incorporate new or innovative techniques,

[(3) the increase in capacity of the State or the public or nonprofit private agency, organization, institution, or individual involved to provide services to address the illicit use of drugs by runaway and homeless youth,

[(4) the extent to which such project or activity serves communities which have high rates of illicit drug use by juveniles (including runaway and homeless youth),

[(5) the extent to which such project or activity will provide services in geographical areas where similar services are unavailable or in short supply, and

[(6) the extent to which such project or activity will increase the level of services, or coordinate other services, in the community available to eligible youth.

[(b) COMPETITIVE PROCESS.—(1) Applications submitted under this chapter shall be selected for approval through a competitive process to be established by rule by the appropriate Federal officer. As part of such a process, such officer shall publish a notice in the Federal Register—

[(A) announcing the availability of funds to carry out this part,

[(B) stating the general criteria applicable to the selection of applicants to receive such funds, and

[(C) describing the procedures applicable to submitting and reviewing applications for such funds.

[(2) As part of such process, each application referred to in subsection (a) shall be subject to peer review by individuals (excluding officers and employees of the Department of Justice and the Department of Health and Human Services) who have expertise in the subject matter related to the project or activity proposed in such application.

[(c) EXPEDITED REVIEW.—The appropriate Federal officer shall expedite the consideration of an application referred to in sub-

section (a) if the applicant demonstrates, to the satisfaction of the such officer, that the failure to expedite such consideration would prevent the effective implementation of the project or activity set forth in such application.】

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TITLE 42—UNITED STATES CODE

* * * * *

Subchapter III—Community Program

§ 11841. The community youth activity program

(a) BLOCK GRANT PROGRAM.—

* * * * *

(d) PRIORITY.—In making grants under this section, the Secretary shall give priority to

(1) * * *

* * * * *

(8) programs for unsupervised children before and after school, including—

(A) education and instruction [consistent with title IV of the Elementary and Secondary Education Act of 1965] [20 U.S.C.A. § 7101 et. seq.];

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NATIONAL SCHOOL LUNCH ACT

* * * * *

SUMMER FOOD SERVICE PROGRAM FOR CHILDREN

SEC. 13. [1761] (a)(1) The Secretary is authorized to carry out a program to assist States, through grants-in-aid and other means, to initiate, maintain, and expand nonprofit food service programs for children in service institutions. For purposes of this section, (A) “program” means the summer food service program for children authorized by this section; (B) “service institutions” means public or private nonprofit school food authorities, local, municipal, or county governments, [public or private nonprofit higher education institutions participating in the National Youth Sports Program,] and residential public or private nonprofit summer camps, that develop special summer or school vacation programs providing food service similar to that made available to children during the school year under the school lunch program under this Act or the school breakfast program under the Child Nutrition Act of 1966 [(42 U.S.C. 1771 et seq.)]; (C) “areas in which poor economic conditions exist” means areas in which at least 50 percent of the children are eligible for free or reduced price school meals under this Act and the Child Nutrition Act of 1966, as determined by information provided from departments of welfare, zoning commissions, census tracts, by the number of free and reduced price lunches or breakfasts served to children attending public and non-profit private schools located

in the area of program food service sites, or form other appropriate sources, including statements of eligibility based upon income for children enrolled in the program; (D) "children" means individuals who are eighteen years of age and under, and individuals who are older than eighteen who are (i) determined by a State educational agency or a local public educational agency of a State, in accordance with regulations prescribed by the Secretary, to be mentally or physically handicapped, and (ii) participating in a public or non-profit private school program established for the mentally or physically handicapped; and (E) "State" means any of the fifty States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands of the United States, Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Northern Mariana Islands.

* * * * *

[(c)(1) Payments] (c) *Payments* shall be made to service institutions only for meals served during the months of May through September, except in the case of service institutions that operate food service programs for children on school vacation at any time under a continuous school calendar or that provide meal service at non-school sites to children who are not in school for a period during the months of October through April due to a natural disaster, building repair, court order, or similar cause.

[(2)(A) Notwithstanding any other provision of this Act, any higher education institution that receives reimbursements under the program for meals and meal supplements served to low-income children under the National Youth Sports Program is eligible to receive reimbursements for not more than 2 meals or 1 meal and 1 meal supplement per day for not more than 30 days for each child participating in a National Youth Sports Program operated by such institution during the months other than May through September. The program under this paragraph shall be administered within the State by the same State agency that administers the program during the months of May through September.

[(B) Children participating in National Youth Sports Programs operated by higher education institutions, and such higher education institutions, shall be eligible to participate in the program under this paragraph without application.

[(C) Higher education institutions shall be reimbursed for meals and meal supplements served under this paragraph—

[(i) in the case of lunches and suppers, at the same rates at the payment rates established for free lunches under section 11; and

[(ii) in the case of breakfasts or meal supplements, at the same rates as the severe need payment rates established for free breakfasts under section 4 of the Child Nutrition Act of 1966.

[(D)(i) Meals for which a higher education institution is reimbursed under this paragraph shall fulfill the minimum nutritional requirements and meal patterns prescribed by the Secretary—

[(I) for meals served under the school lunch program under this Act, in the case of reimbursement for lunches or suppers; and

[(II) for meals served under the school breakfast program under section 4 of the Child Nutrition Act of 1966, in the case of reimbursement for breakfasts.

[(ii) The Secretary may modify the minimum nutritional requirements and meal patterns prescribed by the Secretary for meals served under the school breakfast program under section 4 of the Child Nutrition Act of 1966 for application to meal supplements for which a higher education institution is reimbursed under this paragraph.

[(E) The Secretary shall issue regulations governing the implementation, operation, and monitoring of programs receiving assistance under this paragraph that, to the maximum extent practicable, are comparable to those established for higher education institutions participating in the National Youth Sports Program and receiving reimbursements under the program for the months of May through September.]

PUBLIC HEALTH SERVICE ACT

* * * * *

PREVENTION, TREATMENT, AND REHABILITATION MODEL PROJECTS FOR HIGH RISK YOUTH

[Sec. 517. [290bb–23] (a) The Secretary, through the Director of Prevention Center, shall make grants to public and non-profit private entities for projects to demonstrate effective models for the prevention, treatment, and rehabilitation of drug abuse and alcohol abuse and among high risk youth.

[(b)(1) In making grants for drug abuse and alcohol abuse prevention projects under this section, the Secretary shall give priority to applications for projects directed at children of substance abusers, latchkey children, children at risk of abuse or neglect, pre-school children eligible for services under the Head Start Act, children at risk of dropping out of school, children at risk of becoming adolescent parents, and children who do not attend school and who are at risk of being unemployed.

[(2) In making grants for drug abuse and alcohol abuse treatment and rehabilitation projects under this section, the Secretary shall give priority to projects which address the relationship between drug abuse or alcohol abuse and physical child abuse, sexual child abuse, emotional child abuse, dropping out of school, unemployment, delinquency, pregnancy, violence, suicide, or mental health problems.

[(3) In making grants under this section, the Secretary shall give priority to applications from community based organizations for projects to develop innovative models with multiple, coordinated services for the prevention or for the treatment and rehabilitation of drug abuse or alcohol abuse by high risk youth.

[(4) In making grants under this section, the Secretary shall give priority to applications for projects to demonstrate effective models with multiple, coordinated services which may be replicated and which are for the prevention or for the treatment and rehabilitation of drug abuse or alcohol abuse by high risk youth.

[(5) In making grants under this section, the Secretary shall give priority to applications that employ research designs adequate for evaluating the effectiveness of the program.

[(c) The Secretary shall ensure that projects under subsection (a) include strategies for reducing the use of alcoholic beverages and tobacco products by individuals to whom it is unlawful to sell or distribute such beverages or products.

[(d) To the extent feasible, the Secretary shall make grants under this section in all regions of the United States, and shall ensure the distribution of grants under this section among urban and rural areas.

[(e) In order to receive a grant for a project under this section for a fiscal year, a public or nonprofit private entity shall submit an application to the Secretary, acting through the Office. The Secretary may provide to the Governor of the State the opportunity to review and comment on such application. Such application shall be in such form, shall contain such information, and shall be submitted at such time as the Secretary may by regulation prescribe.

[(f) The Director of the Office shall evaluate projects conducted with grants under this section.

[(g) For purposes of this section, the term "high risk youth" means an individual who has not attained the age of 21 years, who is at high risk of becoming, or who has become, a drug abuser or an alcohol abuser, and who—

- [(1) is identified as a child of a substance abuser;
- [(2) is a victim of physical, sexual, or psychological abuse;
- [(3) has dropped out of school;
- [(4) has become pregnant;
- [(5) is economically disadvantaged;
- [(6) has committed a violent or delinquent act;
- [(7) has experienced mental health problems;
- [(8) has attempted suicide;
- [(9) has experienced long-term physical pain due to injury;

or

- [(10) has experienced chronic failure in school.

[(h) For the purpose of carrying out this section, there are authorized to be appropriated \$70,000,000 for fiscal year 1993, and such sums as may be necessary for fiscal year 1994.]

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ESTABLISHMENT OF OFFICE OF MINORITY HEALTH

SEC. 1707. [300u-6] (a) IN GENERAL.—* * *

* * * * *

[(b) DUTIES.—The Secretary shall, with respect to the health concerns of individuals from disadvantaged backgrounds, including racial and ethnic minorities—

- [(1) establish short-range and long-range goals and objectives and coordinate all other activities within the Department of Health and Human Services that relate to disease prevention, health promotion, service delivery, and research concerning such individuals;

[(2) enter into interagency agreements with other agencies of the Service to increase the participation of such individuals in health service and promotion programs;

[(3) establish a national minority health resource center to facilitate the exchange of information regarding matters relating to health information and health promotion, preventive health services, and education in the appropriate use of health care, to facilitate access to such information, to assist in the analysis of issues and problems relating to such matters, and to provide technical assistance with respect to the exchange of such information (including facilitating the development of materials for such technical assistance);

[(4) support research, demonstrations and evaluations to test new and innovative models, to increase knowledge and understanding of health risk factors, and to develop mechanisms that support better information dissemination, education, prevention, and service delivery to individuals from disadvantaged backgrounds, including racial and ethnic minorities;

[(5) coordinate efforts to promote minority health programs and policies in the voluntary and corporate sectors;

[(6) develop health information and health promotion materials and teaching programs, including—

[(A) models for the training of health professionals;

[(B) model curriculums to be used in primary and secondary schools and institutions of higher learning;

[(C) materials and programs for the continuing education of health professionals;

[(D) materials for public service use by the print and broadcast media; and

[(E) materials and programs to assist health care professionals in providing health education to their patients;

[(7) assist provides of primary health care and preventive health services in obtaining, with respect to the provision of such care and services, the assistance of bilingual health professionals and other bilingual individuals (including such assistance in the provision of services regarding maternal and child health, nutrition, mental health, and substance abuse); and

[(8) support expansion and enhancement of tertiary perinatal facilities in rural States with infant mortality rates among individuals from disadvantaged backgrounds, including minorities, that are significantly above the national average for such rates.

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JOB TRAINING PARTNERSHIP ACT

* * * * *

AUTHORIZATION OF APPROPRIATIONS

SEC. 3. [(a)(1) There are] (a) *There are* authorized to be appropriated to carry out parts A and C of title II such sums as may be necessary for fiscal year 1993 and for each succeeding fiscal year. Of the sums appropriated to carry out parts A and C of title II for

each such fiscal year, an amount not less than 40 percent of such sums shall be made available to carry out part A of such title and an amount not less than 40 percent of such sums shall be made available to carry out part C of such title.

[(2) There are authorized to be appropriated to carry out part B of title II such sums as may be necessary for fiscal year 1993 and for each succeeding fiscal year.

[(b) There are authorized to be appropriated to carry out title III (other than section 326 thereof)—

[(1) \$980,000,000 for fiscal year 1989; and

[(2) such sums as may be necessary for each succeeding fiscal year.]

* * * * *

DEFINITIONS

SEC. 4. For the purposes of this Act, the following definitions apply:

(1) * * *

* * * * *

(37) The term “participant” means an individual who has been determined to be eligible to participate in and who is receiving services (except post-termination services authorized under sections 204(c)(4) and 264(d)(5) [and followup services authorized under section 253(d)] under a program authorized by this Act. Participation shall be deemed to commence on the first day, following determination of eligibility, on which the participant began receiving subsidized employment, training, or other services provided under this Act.

* * * * *

(39) The term “termination” means the separation of a participant who is no longer receiving services (except post-termination services authorized under sections 204(c)(4) and 264(d)(5) [and followup services authorized under section 253(d)] under a program authorized by this Act.

* * * * *

SEC. 202. ALLOTMENT AND ALLOCATION.

(a) ALLOTMENT.—

(1) TERRITORIES.—Of the amount appropriated under [section 3(a)(1)] *Section 3(a)* for each fiscal year and available to carry out this part, not more than one-quarter of 1 percent shall be allotted among Guam, the Virgin Islands, American Samoa, the Commonwealth of the Northern Mariana Islands, the Federated States of Micronesia, the Republic of the Marshall Islands, and Palau.

* * * * *

SEC. 262. ALLOTMENT AND ALLOCATION.

(a) ALLOTMENT.—

(1) TERRITORIES.—Of the amount appropriated under [section 3(a)(1)] *section 3(a)* for each fiscal year and available to carry out this part, not more than one-quarter of 1 percent

shall be allotted among Guam, the Virgin Islands, American Samoa, the Commonwealth of the Northern Mariana Islands, the Federal States of Micronesia, the Republic of the Marshall Islands, and Palau.

TITLE 29—UNITED STATES CODE

* * * * *

§ 1734. Guidance on eligibility verification

(a) ESTABLISHMENT.—The Secretary shall provide guidance and technical assistance, to States and service delivery areas, relating to the documentation required to verify the eligibility of participants under parts A[, B, and C] *and C* of subchapter II of this chapter, particularly the hard-to-serve individuals specified in section 1603(b) of this title and subsections (b) and (d) of section 1643 of this title. Such documentation shall, to the extent practicable, be uniform and standard.

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JOB TRAINING REFORM AMENDMENTS OF 1992

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SEC. 202. ALLOTMENT AND ALLOCATION.

(a) ALLOTMENT.—

(1) TERRITORIES.—Not more than \$5,000,000 of the amount appropriated pursuant to [section 3(a)(1)] *section 3(a)* for each fiscal year and available for this part shall be allotted among Guam, the Virgin Islands, American Samoa, the Commonwealth of the Northern Mariana Islands, the Federated States of Micronesia, the Republic of the Marshall Islands, and Palau.

* * * * *

SEC. 262. ALLOTMENT AND ALLOCATION.

(a) ALLOTMENT.—

(1) TERRITORIES.—Not more than \$5,000,000 of the amount appropriated pursuant to [section 3(a)(1)] *section 3(a)* for each fiscal year and available for this part shall be allotted among Guam, the Virgin Islands, American Samoa, the Commonwealth of the Northern Mariana Islands, the Federated States of Micronesia, the Republic of the Marshall Islands, and Palau.

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COMMUNITY SERVICES BLOCK GRANT ACT

* * * * *

[SEC. 682. NATIONAL OR REGIONAL PROGRAMS DESIGNED TO PROVIDE INSTRUCTIONAL ACTIVITIES FOR LOW-INCOME YOUTH.

[(a) GENERAL AUTHORITY.—The Secretary of Health and Human Services is authorized to make a grant to an eligible service provider to administer national or regional programs to provide instructional activities for low-income youth. In making such a grant,

the Secretary shall give a priority to eligible service providers that have a demonstrated ability to operate such a program.

[(b) PROGRAM REQUIREMENTS.—

[(1) Any instructional activity carried out by an eligible service provider receiving a grant under this subsection shall be carried out on the campus of an institution of higher education (as defined in section 1201(a) of the Higher Education Act) and shall include—

[(A) access to the facilities and resources of such an institution;

[(B) an initial medical examination and follow-up referral or treatment, without charge, for youth during their participation in such activity;

[(C) at least one nutritious meal daily, without charge, for participating youth during each day of participation;

[(D) high quality instruction in a variety of sports (that shall include swimming and that may include dance and any other high quality recreational activity) provided by coaches and teachers from institutions of higher education and from elementary and secondary schools (as defined in sections 1471(8) and 1471(21) of the Elementary and Secondary Education Act of 1965); and

[(E) enrichment instruction and information on matters relating to the well-being of youth, to include educational opportunities and study practices, education for the prevention of drugs and alcohol abuse, health and nutrition, career opportunities and family and job responsibilities.

[(c) ELIGIBLE PROVIDERS.—A national private nonprofit organization, a coalition of such organizations, or a private nonprofit organization applying jointly with a business concern shall be eligible for a grant under this subsection if—

[(1) the applicant has demonstrated experience in operating a program providing instruction to low-income youth;

[(2) the applicant shall contribute amounts in cash or fairly evaluated in kind of no less than 25 percent of the amount requested;

[(3) the applicant shall use no funds from a grant authorized under this section for administrative expenses; and

[(4) the applicant agrees to comply with the regulations or program guidelines promulgated by the Secretary of Health and Human Services for use of funds made available by this grant.

[(d) APPLICATIONS PROCESS.—Eligible service providers may submit to the Secretary of Health and Human Services, for approval, an application in such form at such time as the Secretary deems appropriate.

[(e) PROMULGATION OF REGULATIONS OR PROGRAM GUIDELINES.—The Secretary of Health and Human Services shall promulgate regulations or program guidelines to ensure funds made available under a grant made under this section are used in accordance with the intentions of this Act.

[(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated \$15,000,000 for each fiscal year 1995, 1996, 1997, and 1998 for grants to carry out this section.]

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HUMAN SERVICES REAUTHORIZATION ACT OF 1986

TITLE 42—UNITED STATES CODE

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§ 9910. Discretionary authority of Secretary

(a) * * *

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[(b) Of the amounts appropriated under section 9901(b) of this title for any fiscal year, not more than 9 percent of such amounts shall be available to the Secretary for purposes of carrying out this section and subchapter 1 of chapter 105 of this title.]

* * * * *